THE MADRAS ESTATES LAND ACT, 1908.

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MADRAS ACT No. I OF 1908.[1]

(THE MADRAS ESTATES LAND ACT, 1908.]

[*25th March* 1908 ; *28th June* 1908.]

An Act to declare and amend the law relating to the holding of land in estates in the Presidency of Madras.

Preamble. WHEREAS it is expedient to amend and declare the Law relating to the holding of land in estates in the Presidency of Madras ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title. 1. This Act may be called the Madras Estates Land Act, 1908 :

Commencement. it shall come into force on the first day of July 1908 :

Local extent. and it shall extend to the whole of the Presidency of Madras except the Presidency Town, the district of Malabar and the portion of the Nilgiri district known as the South East Wynaad.

Repeal. 2. Madras Acts VIII of 1865 and II of 1871 and section 7 of Madras Act III of 1890 are hereby repealed.

Definitions. 3. In this Act, unless there is something repugnant in the subject or context—

"Agriculture." (1) "Agriculture" with its grammatical variations and cognate expressions shall include horticulture.

"Collector." [2][(1-A) "Collector" means a Revenue Divisional Officer and includes any person appointed by the [3](State Government) whether by name or in virtue of his office, to exercise any of the functions of a Collector under this Act.]

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, Part IV, 1905, page 173 ; for Report of Select Committee, *see ibid*, 1906, page 3 ; and for Proceedings in Council, *see ibid*,1905, pages 368, 433, 509 ; *ibid*, 1907, page 226 ; *ibid*, 1908, pages 2, 41, 69, 97, 133, 163, 197, 229, 261, 293, 323, 353, 383, 413, 443, 487, 513 and 537.

This Act is not in force in the taluks of Nugur, Albaka and Cherla, *vide* section 2 (2) of the Nugur, Albaka and Chorla Laws and Cesses Regulation, 1909 (Central Act I of 1909).

This Act will cease to be in force in certain Scheduled Areas in the East Godavari, West Godavari and Visagapatam districts—*see* the Madras Partially Excluded Areas (Estates Land Repealing) Regulation, 1943 (Madras Regulation I of 1943).

[2] This clause was inserted by section 4 (1) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(2) "Estate" means— "Estate."

(*a*) any permanently-settled estate or temporarily-settled zamindari;

(*b*) any portion of such permanently-settled estate or temporarily-settled zamindari which is separately registered in the office of the Collector;

(*c*) any unsettled palaiyam or jagir;

[1] [(*d*) any inam village of which the grant has been made, confirmed or recognized by the [2] [ ] Government, notwithstanding that subsequent to the grant, the village has been partitioned among the grantees or the successors in title of the grantee or grantees.]

[3] [*Explanation* (1).—Where a grant as an inam is expressed to be of a named village, the area which forms the subject-matter of the grant shall be deemed to be an estate notwithstanding that it did not include certain lands in the village of that name which have already been granted on service or other tenure or been reserved for communal purposes.]

Explanation [3] [(2)].—Where an inam village is resumed by the Government, it shall cease to be an estate; but, if any village so resumed is subsequently regranted by the Government as an inam, it shall from the date of such re-grant, be regarded as an estate.

Explanation [3] [(3)].—Where a portion of an inam village is resumed by the Government, such portion shall cease to be part of the estate, but the rest of the village shall be deemed to be an inam village for the purposes of this sub-clause. If the portion so resumed or any part thereof is subsequently regranted by the Government as an inam, such portion or part shall from the date of such re-grant, be regarded as forming part of the inam village for the purposes of this sub-clause];

(*e*) any portion consisting of one or more villages of any of the estates specified above in clauses (*a*), (*b*) and (*c*) which is held on a permanent under-tenure.

(3) "Holding" means a parcel or parcels of land held "Holding." under a single [4] [patta] or engagement in a single village:

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[1] This sub-clause was substituted for the original sub-clause (*d*) by section 2 (i) of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

[2] The word "British" was omitted by the Adaptation (Amendment) Order of 1950.

[3] Old Explanations (1) and (2) were renumbered as Explanations (2) and (3) respectively and Explanation (1) was inserted by section 2 (1) of the Madras Estates Land (Amendment) Act, 1945 (Madras Act II of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948). This amendment shall be deemed to have had effect as from the date on which the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936), came into force.

[4] This word was substituted for the word "puttah" by section 2 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

Provided that if the landholder and ryot so agree in writing any portion of a holding as above defined shall be treated as a separate holding.

"Improvement." (4) "Improvement" means with reference to a ryot's holding any work which materially adds to the value of the holding, which is suitable to the holding and consistent with the character thereof, and which if not executed on the holding, is either executed directly for its benefit or after execution is made directly beneficial to it, and, subject to the foregoing provisions, includes—

(*a*) the construction of tanks, wells, water channels, and other works for the storage, supply, or distribution of water for agricultural purposes;

(*b*) the construction of works for the drainage of land, or for the protection of land from floods, or from erosion or from other damage by water;

(*c*) the reclaiming, clearing, enclosing, levelling, or terracing of land and the preparation of land for irrigation;

(*d*) the erection of buildings on the holding or in its immediate vicinity, elsewhere than on the village-site, required for the convenient or profitable use or occupation of the holding and the erection of dwelling houses for the ryot and his family and servants;

(*e*) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto; and

(*f*) the planting of fruit trees and fruit gardens;

but does not include, unless made with the written consent of the landholder, any work which prejudicially affects any other land of the landholder.

"Landholder." (5) "Landholder" means a person owning an estate or part thereof and includes every person entitled to collect the rents of the whole or any portion of the estate by virtue of any transfer from the owner or his predecessor-in-title or of any order of a competent Court or of any provision of law.

Where there is a dispute between two or more persons as to which of them is the landholder for all or any of the purposes of this Act or between two or more joint landholders as to which of them is entitled to proceed and be dealt with as such landholder, the person who shall be deemed to be the landholder for such purposes shall be the person whom the Collector subject to any decree or order of a competent Civil Court may recognize or nominate as such landholder in accordance with rules to be framed by the [1] [State Government] in this behalf.

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(6) [1][* * * * * *]

(7) [1][* * * * * * *]

(8) "Pay", "payable" and "payment" used with reference to rent include "deliver", "deliverable" and "delivery." "Pay," etc.

(9) "Prescribed" means prescribed from time to time by the [2] [State Government] by notification in the official Gazette. "Prescribed."

[3][(10) "Private land"—

(*a*) in the case of an estate within the meaning of sub-clauses (*a*), (*b*), (*c*) or (*e*) of clause (2), means the domain or home-farm land of the landholder by whatever designation known, such as, *kambattam*, *khas*, *sir*, or *pannai*, and includes all land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the commencement of this Act; and "Private land"

(*b*) in the case of an estate within the meaning of sub-clause (*d*) of clause (2), means—

(i) the domain or home-farm land of the landholder, by whatever designation known, such as, *kambattam*, *khas*, *sir* or *pannai*; or

(ii) land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the first day of July 1908, provided that the landholder has retained the kudivaram ever since and has not converted the land into ryoti land; or

(iii) land which is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the first day of November 1933, provided that the landholder has retained the kudivaram ever since and has not converted the land into ryoti land; or

(iv) land the entire kudivaram in which was acquired by the landholder before the first day of November 1933 for valuable consideration from a person owning the kudivaram but not the melvaram, provided that the landholder has retained the kudivaram ever since and has not converted

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[1] Clauses (6) and (7) were omitted by section 4 (3) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] This clause was substituted for the original clause (10) by section 2 (ii) of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

the land into ryoti land, and provided further that, where the kudivaram was acquired at a sale for arrears of rent, the land shall not be deemed to be private land unless it is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years since the acquisition of the land and before the commencement of the Madras Estates Land (Third Amendment) Act, 1936.] Madras Act XVIII of 1936.

"Rent." [1][(11) "Rent" means whatever is lawfully payable in money or in kind or in both to a landholder by a ryot for the use or occupation of land for the purpose of agriculture and includes whatever is lawfully payable on account of water supplied by the landholder or taken without his permission for cultivation of land where the charge for water has not been consolidated with the charge for the use or occupation of the land.

For the purposes of sections 5, 27, 28, 59 to 72, 77 to 131, 135, 136, 145 to 148, 165, 210 and 211 and the Schedule, rent includes also—

(*a*) any local tax, cess, fee or sum lawfully payable to a landholder by a ryot as such in addition to the rent due according to law or usage having the force of law and also money recoverable under any enactment for the time being in force as if it was rent; and

(*d*) sums lawfully payable to a landholder by a ryot as such on account of pasturage fees and fishery rents.]

"Revenue field." (12) "Revenue field" means a survey field, or any field or parcel of land, on which a definite rent is payable, or which in case of dispute may be declared by a Collector to be a revenue field.

(13) [2][* * * * * * *]

"Revenue year." (14) "Revenue year" means the year ending on the 30th June.

"Ryot." (15) "Ryot" means a person who holds for the purpose of agriculture ryoti land in an estate on condition of paying to the landholder the rent which is legally due upon it.

[3][*Explanation.*—A person who has occupied ryoti land for a continuous period of twelve years shall be deemed to be a ryot for all the purposes of this Act.]

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[1] This clause was substituted for the original clause (11) by section 4 (5) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] Clause (13) was omitted by section 3, *ibid.*

[3] Explanation to clause 15 was added by section 4 (6), *ibid.*

(16) "Ryoti land" means cultivable land in an estate other than private land but does not include— "Ryoti land."

[1][(*a*) beds and bunds of tanks and of supply, drainage surplus or irrigation channels ;]

(*b*) threshing-floor, cattle-stands, village-sites, and other lands situated in any estate which are set apart for the common use of the villagers ;

(*c*) lands granted on service tenure either free of rent or on favourable rates of rent if granted before the passing of this Act or free of rent if granted after that date, so long as the service tenure subsists.

(17) "Signed" includes stamped with the name of the person purporting to sign. "Signed."

(18) "Tahsildar" includes a Deputy Tahsildar. "Tahsildar."

(19) "Village" means any local area situated in or constituting an estate which is designated as a village in the revenue accounts and for which the revenue accounts are separately maintained by one or more karnams or which is now recognized by the [2][State Government] or may hereafter be declared by the [2][State Government] for the purposes of this Act to be a village, and includes any hamlet or hamlets which may be attached thereto. "Village."

CHAPTER II.

General Rights.

4. Subject to the provisions of this Act, a landholder is entitled to collect rent in respect of all ryoti land in the occupation of a ryot. Landholder's right to collect rent.

5. (1) The rent of ryoti land together with any interest which may be due in respect thereof shall be a first charge upon the holding and upon the produce of the holding or any part thereof, provided that, if gathered, the produce is in the custody or possession of the ryot or deposited on the holding or on a threshing-floor or place for treading out grain, or the like, whether in the fields or within the homestead. Rent to be a first charge upon the holding and produce thereof.

(2) Nothing in this section shall be deemed to affect any right of the [3][Government].

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[1] This sub-clause was substituted for the original sub-clause (*a*) of clause 16 by section (4) (7) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

(Chapter II.—General Rights.)

Occupancy right in ryoti land.

[1][6. [2](1) Subject to the provisions of this Act, every ryot now in possession or who shall hereafter be admitted by a landholder to possession of ryoti land situated in the estate of such landholder shall have a permanent right of occupancy in his holding.

Explanation (1).—For the purposes of this sub-section, the expression 'every ryot now in possession' shall include every person who, having held land as a ryot, continues in possession of such land at the commencement of this Act.

[3][*Explanation* (2).—In relation to any inam village which was not an estate before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, but became an estate by virtue of that Act, or in relation to any land in an inam village which ceased to be part of an estate before the commencement of that Act, the expressions 'now' and 'commencement of this Act' in this sub-section and Explanation (1) shall be construed as meaning the thirtieth day of June 1934, and the expression 'hereafter' in this sub-section shall be construed as meaning the period after the thirtieth day of June 1934.]

Explanation [3][(3)].—Every landholder who receives or recovers any payment under section 163 from any person unauthorizedly occupying ryoti land shall be deemed to have thereby admitted such person into possession unless within two years from the date of receipt or recovery of payment or the first of such payments, if more than one, he shall file a suit in a Civil Court for ejectment against such person.

(2) Admission to waste land under a contract for the pasturage of cattle and admission to land reserved *bona fide* by a landholder for raising a garden or tope or for forest under a contract for the temporary cultivation thereof with agricultural crops shall not by itself confer upon the person so admitted a permanent right of occupancy; nor shall such land, by reason only of such letting or temporary cultivation, become ryoti land.

(3) A landholder who has acquired lands under section 186 may, for a period not exceeding three years in the aggregate, with the previous permission in writing of the Collector, temporarily let such lands for agricultural purposes but such letting shall not confer on the tenant any permanent right of occupancy.

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[1] This section was substituted for the original section 6 by section 5 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] *See* also the Madras Estates Land (Temporary Amendment) Act, 1944 (Madras Act I of 1944), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[3] New Explanation (2) was inserted and original Explanation (2) was renumbered as Explanation (3) by section (3) of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

(4) When a landholder has reclaimed waste land by his own servants or hired labour, he may, by contract in writing, prevent any person from acquiring a permanent right of occupancy in respect of the said land during a period of thirty years from the date of the first cultivation after reclamation.

(5) A person holding land as an ijaradar or farmer of the rent shall not, while so holding, acquire, otherwise than by inheritance or devise, a right of occupancy in any land comprised in the ijara or farm.

(6) Notwithstanding anything contained in this Act, the relations between the landholder and the person let into possession under sub-sections (2), (3) or (4) shall during the period and for the purpose referred to therein be regulated by the contract between the parties.]

Ryot becoming landholder, ijaradar or farmer of rent.

[1] [6-A. A person having a right of occupancy in land does not lose it by subsequently becoming interested in the land as landholder or by subsequently holding the land as an ijaradar or farmer of rent.]

Reservation of mining rights.

7. Nothing in this Act shall affect any right of a landholder to make a reservation of mining rights on admitting any person to possession of ryoti land.

Merger of occupancy right.

[2] [8.] (1) Whenever before or after the commencement of this Act the occupancy right in any ryoti land vests in the landholder, he shall have no right to hold the land as a ryot but shall hold it as a landholder, but nothing in this sub-section shall prejudicially affect the rights of any third person.

[3] [* * * * * * * * * * *]

(2) Whenever before or after the commencement of this Act the occupancy right in any ryoti land vests in any co-landholder, he shall be entitled to hold the land subject to the payment to his co-landholders of the shares of the rent which may from time to time be payable to them and if such co-landholder lets the land to a third person, such third person shall be deemed to be a ryot in respect of the land.

(3) The meger, if any, of the occupancy right under sub-sections (1) and (2) shall not [4] [* * * * * * *] have the effect of converting ryoti land into private land.

(4) Where after the passing of this Act, the interest of the ryot in the holding passes to the landholder by inheritance, the landholder shall notwithstanding anything contained in

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[1] This section was inserted by section 6 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This section was substituted for the original section 8 by section 7, *ibid.*

[3] The proviso to sub-section (1) was omitted by section 4 (i) of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

[4] The words, figure and brackets "except in the case referred to in the proviso to sub-section (1)" were omitted by section 4 (ii), *ibid.*

this Act have the right, for a period of twelve years from the date of succession, of admitting any person to the possession of such land on such terms as may be agreed upon between them.]

[1] [(5) If before the first day of November 1933, the landholder has obtained in respect of any land in an estate within the meaning of sub-clause (*d*) of clause (2) of section 3 a final decree or order of a competent Civil Court establishing that the tenant has no occupancy right in such land, and no tenant has acquired any occupancy right in such land before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, the landholder shall, if the land is not private land within the meaning of this Act, have the right, notwithstanding anything contained in this Act, for a period of twelve years from the commencement of the Madras Estates Land (Third Amendment) Act, 1936, of admitting any person to the possession of such land on such terms as may be agreed upon between them : Madras Act XVIII of 1936.

Provided that nothing contained in this sub-section shall be deemed during the said period of twelve years or any part thereof to affect the validity of any agreement between the landholder and the tenant subsisting at the commencement of the Madras Estates Land (Third Amendment) Act, 1936.] Madras Act XVIII of 1936.

Right of landholder to eject a ryot.

9. No landholder shall as such be entitled to eject a ryot from his holding or any part thereof otherwise than in accordance with the provisions of this Act.

Occupancy right heritable and transferable.

10. (1) All rights of occupancy shall be heritable, and shall be transferable by sale, gift or otherwise.

(2) If a ryot dies intestate [2] [* * * * * * *] without leaving any heirs except the [3] [Government], his right of occupancy shall be extinguished but the land in respect of which he had such right of occupancy shall not cease to be ryoti land.

Use of land by the ryot.

11. A ryot may use the land in his holding in any manner which does not materially impair the value of the land or render it unfit for agricultural purposes.

Right of ryot to trees in holding.

[4] [**12.** (1) Subject to any rights which by custom or by contract in writing executed by the ryot before the passing of this Act are reserved to the landholder, every ryot shall have

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[1] Sub-section (5) was added by section 4 (iii) of the Madras Estates Land Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

[2] The words " in respect of a right of occupancy and " were omitted by ection 8 of the Madras Estates Land (Amendment) Act, 1934 (Madras snVIII of 1934).

[3] This word was substituted for the word " Crown " by the Adaptation Order of 1950.

[4] This section was substituted for the orighal section 12 by section 9 of the Madras Estates second (Amendment) Act, 1934 (Madras Act VIII of 1934).

the right to use, enjoy, cut down, carry away or otherwise dispose of all trees now in his holding and in the case of trees which after the passing of this Act may be planted by the ryot or which may naturally grow upon the holding, he shall have the right to use, enjoy, cut down, carry away or otherwise dispose of them notwithstanding any contract or custom to the contrary.

(2) It shall be open to a ryot on payment to the landholder of such compensation as may be fixed by the Collector on an application made to him in that behalf, to acquire the rights reserved to a landholder by custom or by contract in writing executed as aforesaid, in any trees which were in the holding of the ryot before the passing of this Act :

Provided that nothing contained in this sub-section shall be deemed to affect the rights of any third person or to entitle a ryot to acquire compulsorily the landholder's rights to any trees included in a tree-patta issued by him to a third person.]

Right of occupancy ryot to make an improvement.

13. (1) [1] [Neither a ryot nor the landholder] shall as such be entitled to prevent the other from making an improvement in respect of the holding except on the ground that he is willing to make it himself.

(2) If both the ryot and the landholder wish to make the same improvement, the ryot shall have the prior right to make it, unless it affects the holding of another ryot under the same landholder, in which case the landholder shall have the prior right.

[2] [(3) Notwithstanding any usage or contract to the contrary, the ryot shall not, by reason of his making an improvement at his expense, become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of such improvement.]

[3] [**14.** * * * * *].

Power of Collector to settle questions connected with improvements.

15. If a question arises between a ryot and the landholder,

(*a*) as to the right to make an improvement, or

(*b*) as to whether a particular work is or will be an improvement,

the Collector may, on the application of either party, decide the question.

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[1] These words were substituted for the words " Where a ryot has a permanent right of occupancy in his holding neither the ryot nor the landholder " by section 10 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This sub-section was substituted for the original sub-section (3) of section 13 by section 10 (ii), *ibid.*

[3] Section 14 was omitted by section 11, *ibid.*

Registration of land holder's improvement.

16. (1) A landholder may apply to [1][the Collector] to register any improvement which he has lawfully made or which has been lawfully made at his expense or which he has assisted a ryot in making.

(2) The application shall be in such form, shall contain such information, and shall be verified in such manner, by local enquiry or otherwise, as the [2][State Government] may by rule direct.

(3) The [1][Collector] may reject it if it has not been made within twelve months from the date of the completion of the work.

Application to record evidence as to improvement.

17. (1) If any landholder or ryot of a holding desires that evidence relating to any improvement made after the passing of this Act in respect of a holding shall be recorded, he may apply to the Collector, who shall thereupon, at a time and place of which notice shall be given to both parties, record the evidence, unless for reasons to be recorded he considers that there are no grounds for the application.

(2) When any matter has been recorded under this section, the record shall be admissible in evidence in every subsequent proceeding between the landholder and ryot or any persons claiming under them.

Landholder's right to enter on and measure land.

[3][**17-A.** Every landholder by himself or his duly authorized agent may at all reasonable times enter upon any land in his estate for any of the purposes of this Act and may also measure any land for any such purpose.]

Saving as to improvements made in ordinary course of cultivation.

18. Notwithstanding anything contained in sections 13 [4][* *] and 15, the ryots shall be entitled to make temporary wells, water channels, embankments, levellings, enclosures or other works or petty alterations or repairs to such works as are made in the ordinary course of cultivation and the provisions of section 17 shall not apply to such works or repairs.

Relations of ryots and landholders with their tenants.

19. Except as otherwise specially provided in this Act, the relations between a ryot and his tenants, or between a

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[1] The words " the Collector " in section 16 (1) and the word " Collector " in section 16 (3) were substituted respectively for the words " such Revenue Officer as the Local Government may appoint " and " officer receiving the application " by section 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] Section 17-A was inserted by section 12 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[4] The figures " 14 " were omitted by section 13, *ibid.*

landholder and a tenant of his private land, and the rights of any other owners of land, are not regulated by the provisions of this Act.

Collector to decide whether land is communal land or not and the customary rights in such land.

[1] [20. (1) The Collector may, on the application of the landholder or other person interested, decide any question as to whether any land is or is not of the description mentioned in sub-clauses (*a*), (*b*) or (*c*) of clause (16) of section 3, or as to the customary rights in the user of any land which is of any such description, as existing at the commencement of this Act.

(2) Any person aggrieved by such decision may within a period of one year from the date thereof institute a suit in the Civil Court to establish the right claimed by him in respect of such land but subject to the result of such suit, if any, the Collector's decision shall be final.

Power of District Collector to divert disused communal lands.

20-A. (1) Subject to such rules as the [2][State Government) may prescribe in this behalf, the District Collector may on the application of the landholder, a ryot or any other person interested—

(*a*) declare that any land or any portion of any land which is set apart for any of the purposes referred to in sub-clauses (*a*) and (*b*) of clause (16) of section 3 is no longer required for its original purpose ; and

(*b*) by order in writing direct—

(i) that any such land or portion in respect of which such declaration is made be used for any other specified communal purpose ; or

(ii) if such land or portion is not required for any communal purpose, that it be converted into [3][ryotwari land] or landholder's ryoti land according as the reversionary rights in such land vest under the terms, express or implied, of the sanad, title-deed or other grant [4][in the Government] or in the landholder :

Provided that before making any such declaration and order, the District Collector shall have due regard to any other customary rights of the landholder or the ryots in the user of such land or portion and shall satisfy himself that the exercise of such rights would otherwise be provided for adequately if the declaration and order are put into effect :

[1] Sections 20, 20-A and 20-B were substituted for the original section 20 by section 14 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] These words were substituted for the words "Government ryotwari land" by the Adaptation Order of 1937.

[4] The words "in the Crown" were substituted for the words "in the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

Provided further that in the case of any land of the description referred to in sub-clause (*a*) of clause (16) of section 3 the reversionary rights in which vest in the landholder under the terms, express or implied, of the sanad, title-deed or other grant, any order under sub-clause (i) of clause (*b*) shall be made only with the consent of the landholder.

(2) Without the written order of the District Collector under clause (*b*) of sub-section (1), no land which is set apart for any of the purposes referred to in sub-clauses (*a*) and (*b*) of clause (16) of section 3 shall be assigned or used for any other purpose. Nothing contained in this sub-section shall affect or take away or be deemed to affect or take away the customary rights of the landholder or the ryots in the user of any such land.

Power of District Collector to acquire land for communal purposes.

20-B. (1) When the District Collector is satisfied that no land is set apart for any of the purposes mentioned in sub-clause (*b*) of clause (16) of section 3, or that any land so set apart or used is inadequate for the purpose, he may, after giving notice to the landholder and the other persons, if any, affected and after making such inquiry as he thinks fit, determine the land or additional land needed for the purpose, and apply to the [1][State Government] for the acquisition of such land under the Land Acquisition Act, 1894. On such application, the [1][State Government] may pass an order directing the District Collector to take order for the acquisition of such land under the said Act. Thereupon the provisions of that Act shall apply as if the [1][State Government] had directed the District Collector to take order for the acquisition of such land under section 7 of the said Act and the land shall, after such acquisition, be set apart for the purpose for which it is acquired. Central Act I of 1894.

The cost of such acquisition including all charges incidental thereto, shall be borne by the [1][State Government], any local authority or authorities having jurisdiction over the area in which the land is situated, the landholder and the ryots or other persons benefited thereby in such proportions as the District Collector may fix. If a local authority, landholder, ryot or other person makes default in paying its or his share, if any, of such cost, the District Collector may recover such share—

(i) in the case of a local authority, in such manner as may be prescribed ; and

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[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(Chapter II.—General Rights. Chapter III.—General provisions relating to the rates of rent payable by ryots.)

(ii) in the case of a landholder, ryot or other person, in the same manner as an arrear of land revenue.

(2) Subject to such rules as the [1][State Government] may prescribe in this behalf, the share, if any, of such cost payable by a ryot under this section together with interest thereon at six per cent per annum may, at the discretion of the District Collector, take the form of annual payments, the amount of such payments being fixed with due regard to the prevailing rents.]

Eviction of persons occupying communal lands contrary to rule.

21. Any person occupying [2][any of the lands mentioned in sub-clauses (*a*) and (*b*) of clause (16) of section 3] for any purpose other than that for which the land is so set apart or contrary to the rules framed by the [1][State Government] may at any time within thirty years from the commencement of such occupation be summarily evicted by the Collector in the manner provided by the Madras Land Encroachment Act, 1905, and any crop, product, construction or thing raised, erected or deposited on or upon the lands shall be applied to such communal purposes as the District Collector may adjudge.

Madras Act III of 1905.

Application of provisions of Madras Land Encroachment Act to orders under section 21.

Madras Act III of 1905.

22. The provisions of sections 10 to 14 of the Madras Land Encroachment Act, 1905, shall apply, as far as may be, to [3][orders under section 21] of this Act.

Presumption that inam villages are estates.

[4][**23.** Where in any suit or proceeding it becomes necessary to determine whether an inam village or a separated part of an inam village was or was not an estate within the meaning of this Act as it stood before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, it shall be presumed, until the contrary is shown, that such village or part was an estate.]

Madras Act XVIII of 1936.

CHAPTER III.

General Provisions relating to the rates of rent payable by ryots.

Restriction on enhancement.

24. The rent of a ryot shall not be enhanced except as provided by this Act.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words, figures and letters were substituted for the words and figures "any of the lands mentioned in section 20" by section 15 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] These words and figures were substituted for the words and figures "orders under sections 20 and 21" by section 16, *ibid.*

[4] This section was inserted by section 5 of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

Rent payable on admission to possession of ryoti land after commencement of Act.

25. [1] [A ryot] admitted by the landholder after the commencement of this Act to possession of ryoti land [2] [* * *] [1] [shall not, unless otherwise provided in this Act, be bound to pay rent at a rate exceeding] the rate prevailing for similar lands with similar advantages in the neighbourhood, or, in case such rate cannot be ascertained [1] [exceeding such rate] as the Collector may on application decide to be fair and equitable.

Saving as to receipt of premium.

Nothing in this section precludes the landholder from receiving any premium when the ryot is admitted into possession; but a ryot so admitted shall under no circumstances become liable to make any payment to the landholder after his admission by way of premium or other consideration for such admission; nor shall any holding of the ryot be subjected to any charge in respect of any such premium or consideration or part thereof.

Enhancement of rent originally fixed at a lower rate in consideration of bringing waste land into cultivation or of making improvement upon the holding.

26. (1) Where for the purpose of clearing and bringing waste land in the estate into cultivation or for the purpose of making any permanent improvement or for planting trees on the holding or where under a contract made prior to the commencement of this Act for any premium, loan or other valuable consideration, a ryot has accepted a [3] [patta] from or has entered into an engagement with his landholder at a rate of rent lower than the lawful rate previously payable upon the land or than the rate lawfully payable upon land of similar description and with similar advantages in the neighbourhood, such rent shall not be liable to enhancement during the period for which such lower rate is payable by contract or custom, so long as the ryot shall substantially fulfil the terms upon which and the purposes for which such lower rate was allowed.

(2) After the expiry of the period for which such lower rate of rent is payable or if the terms upon which and the purposes for which such lower rate was allowed have not been substantially fulfilled, the landholder shall be entitled to the full rate.

(3) Except as provided by sub-section (1) no rate of rent at which land may have been granted by a landholder shall be binding upon the person entitled to the rent after

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[1] The words "A ryot" were substituted for the words "Every ryot", the words "shall not, unless otherwise provided in this Act, be bound to pay rent at a rate exceeding" were substituted for the words "shall be bound to pay rent at a rate not exceeding" and the words "exceeding such rate" were substituted for the words "at such rate" by section 18 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words "other than old waste" were omitted by *ibid.*

[3] This word was substituted for the word "puttah" by section 2, *ibid*

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

the lifetime of the landholder if such rate is lower than the lawful rate payable by the ryot before the date of the grant upon the land or upon land of similar description and with similar advantages in the neighbourhood.

Presumption as to amount of rent and conditions of holding.

27. If a question arises as to the amount of rent payable by a ryot or the conditions under which he holds in any revenue year, he shall be presumed, until the contrary is shown, to hold at the same rate and under the same conditions as in the last preceding revenue year.

Presumption as to fair rate of rent.

28. In all proceedings under this Act the rent or rate of rent for the time being lawfully payable by a ryot shall be presumed to be fair and equitable until the contrary is proved :

[1] [Provided that in the case of an estate within the meaning of sub-clause (*d*) of clause (2) of section 3, the rent or rate of rent lawfully payable by a ryot or tenant on the first day of November 1933 shall be presumed to be fair and equitable at the commencement of the Madras Estates Land (Third Amendment) Act, 1936, until the contrary is proved.]

Madras Act XVIII of 1936.

Waram rates not liable to enhancement.

29. Where for any land in his holding [2] [a ryot] pays rent according to the "Waram" (that is, the established rate of the village for dividing the crop between the landholder and the ryot) with or without an addition in money, or otherwise in kind or on the estimated value of a portion of the crop, or at rates varying with the crop or partly in one of these ways and partly in another or others, such rent shall not be liable to enhancement.

Enhancement of rent by application.

30. Where for any land in his holding a ryot pays a money rent the landholder may [3] [apply to the Collector] to enhance the rent on one or more of the following grounds and no others—

(i) that during the currency of the existing rent there has been a rise in the average local prices of staple food-crops in the taluk or zamindari division :

(*a*) Provided that if the rent be permanently payable at a fixed rate or rates it shall not be liable to be enhanced under this clause on the ground of a rise in prices :

(*b*) Provided also that no enhancement under this clause shall raise the rent by more than two annas in the rupee of the rent previously payable for the land ;

(ii) that during the currency of the existing rent the productive powers of the land held by the ryot have been

[1] This proviso was added by section 6 of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

[2] These words were substituted for the words "an occupancy ryot" by section 19 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] These words were substituted for the words "institute a suit before the Collector" by section 20, *ibid.*

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

increased by an improvement effected by, or at the expense of, the landholder ;

(iii) that a work of irrigation or other improvement has been executed at the expense of [1] [the Government], and the landholder has been lawfully required to pay in respect of the holding an additional revenue or rate to [1] [the Government] in consequence thereof ;

(iv) that the productive powers of the land held by the ryot have been increased by fluvial action.

Explanation.—" Fluvial action " includes a change in the course of a river rendering irrigation from the river practicable where it was not previously practicable.

Rules as to enhancement of rent on the ground of a rise in prices.

31. Where an enhancement is claimed under section 30, clause (i)—

(*a*) the Collector shall compare the average prices during the ten years immediately preceding the [2] [application] with the average prices during the ten years ending twenty years immediately before the [2] [application] ;

(*b*) if in the opinion of the Collector it is not practicable to take the decennial periods mentioned in clause (*a*), the Collector may, in his discretion, substitute any shorter periods therefor ;

(*c*) the average prices by which the Collector shall be guided shall be those published under the authority of the [3] [State Government] and the Collector shall presume that the prices shown in the lists prepared for any year subsequent to the passing of this Act are correct and may presume that the prices shown in the lists prepared for any year prior to the passing of this Act are correct unless and until it is proved that they are incorrect ;

(*d*) the decennial periods taken for the comparison of average prices shall be periods of ten years excluding all years which the [3] [State Government] may notify to be, or to have been, famine years in respect of any local area ;

(*e*) the enhanced rent shall bear to the previous rent the same proportion as the average prices during the last decennial period bear to the average prices during the previous ten years taken for purposes of comparison : Provided that,

[1] The words " the Crown " were substituted for the word " Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

[2] The word " application " was substituted for the words " institution of the suit " by section 21 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

in calculating this proportion, the average prices during the later period shall be reduced by one-half of their excess over the average prices during the earlier period.

Rules as to enhancement of rent on the ground of landholder's improvement.

32. (1) Where an enhancement is claimed under section 30, clause (ii)—

(*a*) the Collector shall not grant an enhancement unless the improvement has been registered in accordance with this Act or has been executed within fifteen years preceding the commencement of this Act ;

(*b*) in determining the amount of enhancement the Collector shall have regard to—

(i) the increase in the productive powers of the land caused or likely to be caused by the improvement ;

[1] [(ii) the cost of making the improvement and the proportion in which such cost was borne by the landholder and by the ryot ;]

[2] [(iii) the probable annual cost of maintenance of the improvement—

(*a*) to the landholder ; and

(*b*) to the ryot ;]

[2] [(iv)] the cost of the preparation and cultivation required for utilizing the improvement ; and

[2] [(v)] the existing rent and the ability of the land to bear a higher rent.

[3] [(2) Before executing any improvement, the landholder may, with the previous sanction of the Collector, enter into a contract with the ryot for the payment of an additional rent in consideration of such improvement. On the improvement being effected the landholder shall apply to the Collector for registration of the same, and the Collector after satisfying himself that the sanctioned improvement has been executed, shall register the same. On or after such registration and on the application of the landholder to enforce such contract, the Collector may pass an order granting such enhancement, not exceeding the additional rent mentioned in the contract, as is found by him to be reasonable with due regard to the considerations specified in clause (*b*) of sub-section (1).]

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[1] This sub-clause was substituted for the original sub-clause (ii) by section 22 (i) (*a*) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] New sub-clause (iii) was inserted and the original sub-clauses (iii) and (iv) were renumbered as sub-clauses (iv) and (v) respectively, by section 22 (i) (*b*), *ibid.*

[3] New sub-section (2) was inserted and the original sub-section (2) was renumbered as sub-section (3) by section 22 (ii) (*a*), *ibid.*

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

[1][(3)] An enhancement [2][ordered] under this section shall, on the application of the ryot or his successor in interest, be subject to revision by the Collector in the event of the improvement not producing or ceasing to produce the estimated effect.

Rules as to enhancement of rent on the ground of improvement by the Government.

33. Where an enhancement is claimed under section 30, clause (iii), the rent may be enhanced by the sum or proportionate part of the sum which the landholder has lawfully to pay to [3][the Government] on account of the improvement made by [4][it].

Rules as to enhancement of rent on the ground of fluvial action.

34. Where an enhancement is claimed under section 30, clause (iv)—

(*a*) the Collector shall not take into account any increase which is merely temporary or casual;

(*b*) the Collector may enhance the rent to such an amount as he may deem fair and equitable, but not so as to give the landholder more than one-half of the value of the net increase in the produce of the land.

Enhancement of rent to be fair and equitable.

35. Notwithstanding anything contained in sections 31 to 34, the Collector shall not in any case [5][order] any enhancement which is under the circumstances of the case unfair or inequitable, or which would operate so as to raise the rent beyond the value of the established waram of the village in which the holding is situated, commuted in accordance with the provisions of section 40.

Power to order enhancement to be gradual.

36. If the Collector [6][ordering] enhancement under clauses (i), (ii) and (iv) of section 30 considers that the immediate enforcement of [6][the order] to its full extent will be attended with hardship to the ryot, he may direct that the enhancement shall be gradual; that is to say, that the rent shall increase yearly by degrees for any number of years, not exceeding five, until the limit of the enhancement [6][ordered] has been reached.

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[1] New sub-section (2) was inserted and the original sub-section (2) was renumbered as sub-section (3) by section 22 (ii) (*a*) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This word was substituted for the word "decreed" by section 22 (ii) (*b*), *ibid.*

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[4] This word was substituted for the word "them" by the Adaptation Order of 1937.

[5] This word was substituted for the word "decree" by section 23 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[6] The words "ordering", "the order" and "ordered" were substituted respectively for the words "passing a decree for", "the decree" and "decreed" by section 24, *ibid.*

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

Limitation of time to bring successive applications for enhancement of rent.

[1] [37. An application for enhancement of rent on the ground of a rise in prices shall not be entertained if, within the twenty years next preceding the application, the rent has been enhanced or reduced on the ground of a rise or fall in prices or commuted or a suit or an application for enhancement or reduction of rent on the ground of a rise or fall in prices has been dismissed on the merits :

Central Act V of 1908.

Provided that nothing in this section shall, in respect of pending suits, affect the provisions of rule 1 of Order XXIII of the Code of Civil Procedure, 1908.]

Reduction of Rent.

Reduction of rent by application.

38. (1) Where for any land in his holding [2] [a ryot] pays a money rent, he may [2] [apply to] the Collector for the reduction of his rent on one or more of the following grounds and on no others—

(*a*) that the soil of the holding has, without the fault of the ryot, become permanently deteriorated by a deposit of sand or by other specific cause, sudden or gradual ; or

(*b*) that, in the case of irrigated land, there has been a permanent failure of supply from the irrigation work on which it is dependent ; or

(*c*) that during the currency of the existing rent there has been a fall not due to a temporary cause in the average local prices of staple food-crops in the taluk or zamindari division.

(2) [3] [On such an application being made], the Collector may direct such reduction of the rent as he thinks fair and equitable and, in settling the amount of reduction under clause (*c*) of sub-section (1), shall have regard to the considerations specified in clauses (*a*), (*b*), (*c*) and (*d*) of section 31.

Limitation of time to bring successive applications for reduction of rent.

[4] [39. When in a suit or on an application under clause (*c*) of sub-section (1) of section 38, a decree or order has been passed reducing the rent or dismissing the suit or application on its merits, no fresh application shall be entertained under the same clause if made within twenty years from the date of such decree or order :

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[1] This section was substituted for the original section 37 by section 25 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words " a ryot " were substituted for the words " an occupancy ryot " and the words " apply to " were substituted for the words " institute a suit before " by section 26 (i), *ibid.*

[3] These words were substituted for the words " In any suit instituted under this section " by section 26, *ibid.*

[4] This section was substituted for the original section 39 by section 27 *ibid.*

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

Provided that nothing in this section shall in respect of pending suits affect the provisions of rule 1 of Order XXIII of the Code of Civil Procedure, 1908.] Central Act V of 1908.

Remission of rent by application.

[1] [39-A. (1) Notwithstanding anything contained in this Act, where the rent of any land has been enhanced under section 30 or commuted under section 40 or has been settled under Chapter XI, a ryot may present an application before the Collector for the remission of the rent payable by him during any particular revenue year on the ground that the average local prices of staple food-crops in the taluk or zamindari division during the twelve months ending with the 31st March of that revenue year were lower by not less than $18\frac{3}{4}$ per cent than the average prices on which rent in regard to such land was partly or wholly based :

Provided that, where after a commutation under section 40 or a settlement of rents under Chapter XI, the rent of the land has been enhanced or reduced under the provisions of clauses (i), (ii) or (iv) of section 30 or of section 38, regard shall be had to the prices on which such enhancement or reduction has been wholly or partly based.

(2) The rent after remission shall bear to the rent lawfully payable for the time being, the same proportion as the average prices during the twelve months ending with the 31st March of the revenue year, in respect of which such remission of rent is claimed, bear to the average prices, on the basis of which the rent has been previously fixed :

Provided that the rent after remission shall not be less than the rent payable by the ryot before the enhancement made under section 30.

(3) No application under sub-section (1) shall be maintainable unless sixty days' notice in writing has previously been sent to the landholder by registered post on or before the 30th day of April of the revenue year in respect of which remission of rent is claimed specifying—

(*a*) the names and addresses of the applicants ;

(*b*) the extent and description of the holding or holdings in respect of which remission is claimed, if such application does not relate to an entire village ;

(*c*) the cause of action for the relief claimed ; and

(*d*) the relief claimed.

(4) The application shall be made before the 1st day of September of the revenue year following that in respect of which the remission of rent is claimed and shall not be liable to be dismissed on the mere ground that such rent had been previously or subsequently paid or realized.

[1] Section 39-A was inserted by section 2 of the Madras Estates Land (Amendment) Act, 1936 (Madras Act VI of 1936).

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

(5) The pendency of an application under sub-section (1) or of an appeal under sub-section (7) shall not by itself debar a landholder from recovering the rent lawfully payable for the time being from the ryot, but the Collector may stay proceedings for the recovery of such portion of such rent on such terms as he may deem fit. In doing so, the Collector may direct the payment of the remaining portion of the rent to the landholder or his authorized agent in the presence of the Collector or any officer authorized by him and within such time as the Collector may fix.

(6) On the making of an application under sub-section (1) the Collector shall after enquiry in accordance with the rules made under this Act, determine the amount of the remission to be granted to the ryot.

(7) The order of the Collector under this section shall be final subject to the result of an appeal to the District Collector to be preferred within thirty days of the date of the Collector's order and shall not be questioned in any civil court.

(8) If, within thirty days from the date of the original order or from the date of the order passed on appeal by the District Collector, as the case may be, granting remission, the landholder fails either to refund to the applicant or applicants or to adjust towards any rent due in respect of the holding or holdings covered by the application from the applicant or applicants, the whole or any portion of the rent remitted, the applicant or applicants concerned may apply to the Collector for the recovery of the amount or balance due together with interest at six per cent per annum from the date of the order granting remission. On such application, the Collector may, after satisfying himself that the amount or balance is still due, proceed to recover the same as an arrear of land revenue.

(9) The District Collector shall, in the month of April of every year, publish in the District Gazette and at each taluk office, lists of average market prices of staple food-crops in each taluk for the twelve complete months preceding such publication and such lists shall, in any enquiry under this section, be conclusive evidence of the prices of such crops in such locality at such time :

Provided that a reasonable deduction may be made for the cost of carting the crops to the market.]

Commutation of rent.

Commutation by suit of rent payable in kind.

40. [1] [(1) Where for any land in his holding a ryot pays rent in kind or on the estimated value of a portion of the

[1] These sub-sections were substituted for the original sub-sections (1) and (2) by section 28 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

crop, or at rates varying with the crop, whether in cash or in kind, or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash, either the ryot or the landholder may apply to the Collector to have the rent on the holding commuted to a definite money rent.

(2) On such application, the Collector shall pass an order declaring the sum to be paid as money rent in lieu of rent in kind or otherwise. The commutation shall take effect from the beginning of the revenue year next after the date of such order.]

(3) In making the determination the Collector shall have due regard to each of the following considerations :—

(*a*) the average value of the rent actually accrued due to the landholder [1][during the ten years preceding the date of application] other than the years which the [2][State Government] may notify to be or to have been famine years in respect of any local area or, if the value for such period cannot be ascertained, during any shorter period for which evidence may be available excluding famine years ;

(*b*) the money rent payable by [3][ryots] for land of a similar description and with similar advantages in the same village or neighbouring villages [3][or where there are none such, in the village of a neighbouring taluk] ; and

(*c*) improvements effected by the landholder or the ryot in respect of the holding, and the rules laid down in section 32.

Prohibition against enhancement or reduction of rent for twenty years after commutation.

41. (1) Where the rent of a holding has been commuted under section 40, it shall not, except on the grounds specified in clauses (ii) and (iii) of section 30 or on the ground of a subsequent alteration of the area of the holding, be enhanced for twenty years, nor shall it be reduced for twenty years save on the ground of alteration in the area of the holding or on the ground specified in clauses (*a*) and (*b*) of sub-section (1) of section 38.

(2) The said period of twenty years shall be counted from the date on which the commutation takes effect.

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[1] These words were substituted for the words " during the preceding ten years " by section 28 (ii) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] The word " ryots " was substituted for the words " occupancy ryots " and the words " or where there are none such in the village of a neighbouring taluk " were inserted by section 28 (iii) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

Alteration of rent with area.

Alteration of rent in aespect of rlteration in area.

42. (1) Every ryot shall—

(*a*) be liable to pay additional rent for all land proved to be in excess of the area for which rent has been previously paid by him, unless it is proved that the excess is due to the addition to the holding of land which having previously belonged to the holding was lost by diluvion or otherwise without any reduction of the rent being made ; and

(*b*) be entitled to a reduction of rent in respect of any deficiency proved to exist in the area of his holding as compared with the area for which rent has been previously paid by him unless it is proved that the deficiency is due to the loss of land which was added to the area of the holding by alluvion or otherwise and that an addition has not been made to the rent in respect of the addition to such area.

[1](2) [* * * * * *] In cases of dispute, no alteration of the amount of rent under this section shall be allowed except under the order of the Collector upon application made to him for that purpose by the landholder or the ryot concerned.

[2][(3) Notwithstanding anything contained in sub-section (2), where by agreement in writing the rent is fixed in proportion to the area or where by agreement in writing the rent is fixed on the basis of an assumed area and the agreement provides for the alteration of the rent when the actual area is found to vary from the assumed area, it shall be lawful for the landholder or the ryot to enforce an increase or decrease of the rent, as the case may be, in consequence of an increase or decrease of area measured in the same unit.]

[3][**43.** * * * *.]

Rules for the determination of alteration of rent with area.

44. [4][1) Upon an application under sub-section (2) of section 42 being made, or in proceedings in which it is claimed to enforce an increase or decrease of rent as provided in sub-section (3) of that section, the Collector shall determine the area for which rent has previously been paid and the amount, if any, to be added to or deducted from the rent.]

(2) In determining the area for which rent has been previously paid, the Collector shall have regard to each of the following considerations :—

(*a*) the origin and conditions of the occupancy—for instance, whether the rent was a consolidated rent for the entire holding ;

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[1] The words " Provided that " were omitted by section 29 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] Sub-section (3) was added by section 29 (ii), *ibid.*

[3] Section 43 was omitted by section 30, *ibid.*

[4] This sub-section was substituted for the original sub-section (1) by section 31, *ibid.*

(Chapter III.—General provisions relating to the rates of rent payable by ryots.)

(*b*) any reason which may have led the landholder to permit the ryot to hold the additional land whether in consideration of an addition to his total rent or otherwise ;

(*c*) any reason which may have led the ryot to consent to hold a reduced area without a corresponding reduction in his rent ;

Explanation.—In determining whether the landholder has permitted the ryot to hold the additional land or whether the ryot has consented to hold the reduced area without a corresponding reduction in rent, the Collector may take into consideration the length of time during which the occupancy has lasted without dispute as to rent or area ; and

(*d* the length of the measure used or in local use at the tim of the origin of the occupancy as compared with that used or in local use at the time of the application.

(3) In determining the amount to be added to the rent, the Collector shall have regard to the rates payable by ryots for lands of a similar description and with similar advantages in the village or neighbouring villages, and shall not in any case fix any rent which in the circumstances of the case is unfair or inequitable.

(4) When the landholder or ryot is unable to indicate any particular land as held in excess, the rent to be added on account of the excess area may be calculated at the average rate of rent paid on all the lands of the holding exclusive of such excess area.

(5) In case of abatement the deduction from the rent shall be proportionate to the diminution in the total yearly produce of the holding or, in default of satisfactory proof thereof, the deduction shall be proportionate to the diminution in the area of the holding.

(6) An addition to or abatement of rent under this section shall not be deemed an enhancement or reduction of rent within the meaning of this Act.

[1][**45.** * * *.]

[2][* * * * * * .]

[2][**46 to 49.** * * *.]

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[1] Section 45 was omitted by section 32 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] Sections 46 to 49 and the heading thereto were omitted by section 33, *ibid.*

CHAPTER IV.

[1] [PATTAS] AND [1] [MUCHILIKAS.]

Application of Chapter IV to all ryots.

50. (1) The provisions of this chapter shall apply to all ryots [2][* * * * * *].

Right of ryot and landholder to obtain patta and muchilika.

(2) Every ryot shall be entitled to call upon his landholder to grant him a [1] [patta] for any current revenue year and every landholder shall be entitled to call upon his ryot to give him a [1] [muchilika] for any current revenue year in exchange for a [1] [patta].

[3] [(3) The ryot shall at his request be entitled to have all the lands in his possession in a single village entered in a single patta.]

Contents of patta and muchilika.

51. (1) The [1] [patta] shall contain the names of the parties; the local description and extent of the land; the rate or amount and nature of the rent payable thereon, according as it may be payable in money, in kind or by a share of the produce; [4] [any sum payable by the ryot on account of pasturage fees or fishery rents;] any local tax, cess or fee or charge payable with the rent according to law or usage having the force of law; the period or periods at which [5] [they shall be paid], the date of the [1] [patta] and all special terms by which it is intended that the parties shall be bound and shall be signed by the landholder. The [1] [muchilika] may, at the option of the landholder, be a counterpart of the [1] [patta] or a simple engagement to hold according to its terms and shall be signed by the ryot.

(2) Any stipulation in restraint of cultivation or of harvesting by a ryot or for the giving up of possession of his land by [6] [a ryot] at any specified time shall be void and of no effect.

Period for which patta and muchilikas may be exchanged.

52. (1) [1] [Pattas] and [1] [muchilikas] may be exchanged for periods of one or more revenue years, but no landholder shall be bound to tender, and no ryot to accept, a [1] [patta] for a period of more than one revenue year.

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[1] The words "patta", "pattas", "muchilika" and "muchilikas" were substituted respectively for the words "puttah", "puttahs", "muchalka" and "muchalkas" by section 2 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words "with a permanent right of occupancy and also so far as may be to ryots holding old waste under a landholder otherwise than under a lease in writing" were omitted by section 34 (i), *ibid.*

[3] Sub-section (3) was added by section 34 (ii), *ibid.*

[4] These words were inserted by section 35, *ibid.*

[5] The words "they shall be paid" were substituted for the words "such rent, local tax, cess, fee or charge is to be paid" by *ibid.*

[6] These words were substituted for the words "an occupancy ryot" by *ibid.*

(2) Subject to the provisions of sub-section (3), the tender of a [1] [patta] or [1] [muchilika] and the demand for a [1] [muchilika] or [1] [patta] shall be made within twelve months of the commencement of the period to which the [1] [patta] or [1] [muchilika] relates.

(3) [1] [Pattas] and [1] [muchilikas] accepted, exchanged or decreed for any revenue year shall remain in force until the commencement of the revenue year for which fresh [1] [pattas] and [1] [muchilikas] are accepted, exchanged or decreed; provided that where a [1] [patta] or [1] [muchilika] has continued in force for more revenue years than one, no fresh [1] [patta] or [1] [muchilika] for the same holding shall take effect until the commencement of the revenue year next succeeding that in which it is tendered, accepted, exchanged or decreed.

[2] [**53.** * * * .]

Patta to be tendered.

[3] [**54.** The tender of a [1] [patta] may be made to the ryot [4] [by delivering a copy to him or to some adult male member of his family or to his authorized agent or when such service cannot be effected, by affixing a copy in the village chavadi or, if there is no village chavadi, in some conspicuous place in the village and by sending a copy by post to the ryot at his last known place of residence], or, if the Collector on the application of the landholder shall so permit, in respect of any estate or any portion of an estate, by filing it in the office of the Collector or such other officer as the [5] [State Government] may by general or special order direct, and, if so filed, the Collector or such officer shall cause the [1] [patta] to be served on the ryot in the aforesaid manner at the cost of the landholder [6] (and shall forthwith give intimation of the date of service to the landholder by post.)]

[3] [* * * .]

Suit to obtain patta.

55. When a landholder, for three months after demand, fails to grant a [1] [patta] in such terms as the ryot is entitled to receive, it shall be lawful for the ryot to sue for such a [1] [patta] before the Collector.

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[1] The words " patta ", " pattas ", "muchilika " and " muchilikas " were substituted respectively for the words " puttah ", " puttahs ", " muchalka " and " muchalkas " by section 2 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] Section 53 was omitted by section 36, *ibid.*

[3] Sub-section (1) of section 54 was renumbered as section 54 and sub-section (2) was omitted by section 37 (1), *ibid.*

[4] These words were substituted for the words and figures " in the manner provided for the service of notice under sub-section (2) of section 78 " by section 37 (2), *ibid.*

[5] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[6] The words " and shall forthwith give intimation of the date of service to the landholder by post " were inserted by section 37 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

(Chapter IV.—Pattas and Muchilikas. Chapter V.—Payment and Arrears of rent.)

Suit to enforce acceptance of patta.

56. When a ryot for one month after tender fails to accept the [1][patta] tendered to him and to give a [1][muchilika] in exchange, the landholder may sue before the Collector to enforce acceptance of such [1][patta].

Procedure in adjudication of suits to enforce grant or acceptance of patta.

[2][**57.** In adjudicating suits under sections 55 and 56 the Collector shall proceed as herein mentioned. If he finds that the defendant is not bound to grant or accept a patta he shall dismiss the suit. If he finds that the defendant is bound to grant or accept a patta he shall decide whether the patta demanded or tendered is a proper one and if he so finds shall pass a decree, directing the defendant to grant the patta in exchange for a muchilika or accept the patta and give amuchilika in exchange. If the Collector finds that the patta demanded or tendered is not a proper one he shall decide what the terms of the patta should be and shall embody such terms in the decree passed by him and the decree shall be of the same force and effect as if a patta and muchilika had been exchanged.]

Pattas and muchilikas to be signed and registered by the karnam.

58. The karnam of the village in which the holding is situated shall regularly sign and register [1][pattas] and [1][muchilikas] in respect of the holding.

CHAPTER V.

Payment and Arrears of Rent.

Payment of rent in instalments.

59. Rent shall be payable in instalments according to agreement or in the absence of agreement according to established usage.

Arrear of rent.

60. An instalment of rent not paid on the day on which it falls due, becomes on the following day an arrear of rent.

Interest on arrears.

61. [3][Subject to the provisions of this Act, an arrear of rent shall bear simple interest] at the rate of one-half per centum per mensem from the date on which the arrear fell due until it is liquidated.

Right of ryot to receipt for rent.

[4][**62.** (1) Every ryot who makes a payment on account of rent shall be entitled to obtain forthwith a written receipt for the amount paid by him signed by the landholder or other person authorized to receive the rent.

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[1] The words "patta", "pattas", "muchilika," and "muchilikas" were substituted respectively for the words "pttah", "puttahs", "muchalka" and "muchalkas" by section 2 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This section was substituted for the original section 57 by section 38, *ibid.*

[3] These words were substituted for the words "An arrear shall bear simple interest" by section 39, *ibid.*

[4] This section was substituted for the original section 62 by section 40, *ibid.*

(2) The landholder or other person so authorized shall prepare and retain a counterfoil of the receipt.]

Contents of valid receipt.

63. (1) The receipt shall specify such of the following particulars as can be specified by the landholder at the time of payment, namely,—

(*a*) the names of the payer and payee ;

(*b*) the name of the village in which the holding is situated ;

(*c*) the amount paid ;

(*d*) a description of the holding on account of which the rent has been paid ;

(*e*) the year and instalment to which the payment has been credited ;

(*f*) whether the payment has been accepted as a payment in full, or only on account ; and

(*g*) the date on which the rent is paid :

Provided that the [1] [State Government] may prescribe from time to time a modified form either generally or for any particular local area or class of cases.

(2) If a receipt does not contain substantially the particulars required by this section it may be presumed to be an acquittance in full of all arrears of rent up to the date on which the receipt was given.

Credit of payments on account of instalments.

64. (1) When a ryot makes a payment on account of rent, he may declare the year and the instalment to which he wishes the payment to be credited, and the payment shall be credited accordingly.

(2) If he does not make any such declaration, the payment may at the option of the landholder be credited on account of any arrear not barred by limitation.

Compensation for withholding receipt.

65. [2][If a landholder or other person receiving rent on his behalf refuses without reasonable cause] to deliver to a ryot a receipt [3][as required by] sections 62 and 63 for any rent paid by him, or to credit the rent paid to the year and instalment to which the ryot has requested the payment to be credited, the ryot shall be entitled to [4][recover from the landholder on application made to the Collector for that purpose] compensation not exceeding double the amount or value of the rent paid.

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[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] These words were substituted for the words " If a landholder without reasonable cause refuses " by section 41 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] These words were substituted for the words " in accordance with the provisions of " by *ibid.*

[4] These words were substituted for the words " recover from him by a suit before the Collector " by *ibid.*

(*Chapter V.—Payment and Arrears of Rent.*)

Place of payment.

66. The payment shall, except in cases where a ryot is allowed under this Act to deposit his rent, be made at the landholder's village office, or at such other convenient place within five miles of the village in which the holding is situated as may be appointed in that behalf by the landholder :

Provided that the ryots may pay their rent to the landholder by postal money-orders under rules which the [1] [State Government] may prescribe :

Provided also that when rent is payable in kind it shall be delivered at the landholder's granary in the village in which the holding is situated or at such other granary within ten miles of the village as may be provided in that behalf by the landholder [2] [but the landholder shall bear the cost of transport from the threshing-floor to the granary if the distance exceeds three miles].

Effect of receipt of person recognized or nominated as landholder for receiving rent.

67. Where rent is due to a landholder, the receipt for any payment on that account of the person recognized or nominated under [3] [clause (5) of section 3] as landholder for the purpose of receiving rent [4] [or of the person authorized to receive the rent] shall be a sufficient discharge for the rent, and the person liable for the rent shall not be entitled to plead in defence to a claim by a person so recognized or nominated that the rent is due to a third person. But nothing in this section shall affect any remedy which any such third person may have against the landholder so recognized or nominated.

Deposit of Rent.

Application to deposit rent.

68. (1) In any of the following cases in which rent is due and is payable in money, namely,—

(*a*) when a ryot tenders money on account of rent due from him, and the landholder refuses to receive it or refuses to grant a receipt for it ; or

(*b*) when the rent is payable to two or more persons jointly, and the ryot is unable to obtain the joint receipt of the said persons for the money, and no person has been empowered to receive the rent on their behalf ; or

(*c*) when two or more persons severally claim the right to collect the rent or when the ryot entertains a bona fide doubt as to who is entitled to receive the rent which has become due ;

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[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] These words were added by section 42 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] This expression was substituted for the expression " Sub-section (5) of section 3 " by section 3 (1) of and the Second Schedule to the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

[4] These words were inserted by section 43 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

the ryot may present to the [1][Collector], an application in writing for permission to deposit in the office of [1][the Collector] the full amount of rent then due [2][together with interest, if any, payable thereon].

(2) The application shall contain a statement of the grounds on which it is made; and shall state the item or items to which the payment is to be credited and also—

in case (*a*), the name of the person to whose credit the deposit is to be entered;

in case (*b*), the names of the persons to whom the rent is due, or of so many of them as the ryot may be able to specify; and

in case (*c*), the name of the person or persons to whom the rent was last paid and of the person or persons now claiming it.

[3][* * * * * *]

Receipt of deposit by Collector to be a valid acquittance.

69. (1) If [4][on a perusal of the application] it appears to the [5][Collector] [6][to whom it is made] that the applicant is entitled under that section to deposit the rent, he shall receive the amount and shall give a receipt for it.

(2) A receipt given under this section shall operate as an acquittance for the amount of the rent deposited as aforesaid, in the same manner and to the same extent as if that amount of rent had been received—

in [7][case (*a*) of sub-section (1) of section 68], by the person specified in the application as the person to to whose credit the deposit was to be entered;

in [7][case (*b*) of that sub-section], by the persons to whom the rent is due; and

in [7][case (*c*) of that sub-section], by the person entitled to receive the rent.

---

[1] The words "Collector" and "the Collector" were substituted respectively for the words "Collector or such other officer as the Local Government may appoint" and "the said Collector or other officer" by section 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were added by section 44 (i), *ibid.*

[3] Sub-section (3) was omitted by section 44 (ii), *ibid.*

[4] These words were inserted by section 45 (i), *ibid.*

[5] This word was substituted for the words "Collector or other officer" by section 3 (2), *ibid.*

[6] These words were substituted for the words "to whom an application is made under the last foregoing section" by section 45 (i) (*b*), *ibid.*

[7] The words, figures and letters "case (*a*) of sub-section (1) of section 68", "case (*b*) of that sub-section" and "case (*c*) of that sub-section" were substituted respectively for the words and letters "case (*a*) of the last foregoing section", "case (*b*) of that section" and "case (*c*) of that section" by section 45, *ibid.*

(Chapter V.—Payment and Arrears of Rent.)

[1] [**70.** The Collector receiving the deposit shall forthwith cause to be affixed, in a conspicuous place at his office and in the vernacular language of the district, a notification of the receipt of such deposit containing a statement of all material particulars and shall also— Notification of receipt of deposit of rent.

in case (*a*) of sub-section (1) of section 68, cause a notice of the receipt of the deposit to be served on the person specified in the application as the person to whose credit the deposit was to be entered ;

in case (*b*) of that sub-section, cause a notice of the receipt of the deposit to be posted at the landholders' village office or residence and in some conspicuous place in the village in which the holding is situated ; and

in case (*c*) of that sub-section, cause a like notice to be served on every person who, the Collector has reason to believe, claims or is entitled to the deposit.]

71. (1) The [2] [Collector] may pay the amount of the deposit to any person appearing to him to be entitled to the same, or may, if he thinks fit, and shall, if deposit has been made under clause (*c*) of sub-section (1) of section 68, and there has been no joint application for payment by the disputing parties, retain the amount pending the decision of the Civil Court as to the person so entitled : Payment or refund of deposit.

[3] [Provided that no order for payment shall be made within fifteen days from the date on which the notification referred to in section 70 was affixed in the office of the Collector receiving the deposit.]

(2) The payment less the money-order commission may be made by postal money-order under such rules as the [4] [State Government] may prescribe.

(3) If no payment is made under this section before the expiration of three years from the date on which a deposit is made, the amount deposited may, in the absence of any order of a competent court to the contrary, be repaid to the depositor upon his application and on his returning the receipt given by the [2] [Collector] with whom the rent was deposited or on his producing such other evidence of his having made the deposit as the Collector may consider sufficient.

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[1] This section was substituted for the original section 70 by section 46 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This word was substituted for the words " Collector or other officer " by section 3 (2), *ibid.*

[3] The proviso was added by section 47, *ibid.*

[4] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for "Provincial " by the Adaptation Order of 1950.

Nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering the same by suit in a Civil Court from a person to whom it has been paid under this section.

Barring of suits.

72. No suit or other proceeding shall be instituted against the [1] [Government] or against any officer of the [2] [Government], in respect of anything done by a [3] [Collector] regarding a deposit under sections 68 to 71.

Appraisement and Division of Produce.

Rights and liabilities as to possession of crop.

73. (1) Where rent is taken by appraisement of the standing crop the ryot shall be entitled to the exclusive possession of the crop.

(2) Where rent is taken by division of the produce, the ryot shall be entitled to the exclusive possession of the whole produce until it is divided, but shall not be entitled to remove any portion of the produce from the threshing-floor at such a time or in such a manner as to prevent the due division thereof at the proper time.

(3) In either case, the ryot shall be entitled to cut and harvest the produce in due course of husbandry without any interference on the part of the landholder. But before commencing to cut or gather the crop the ryot shall give reasonable intimation to the landholder or his authorized agent of his intention to do so.

(4) If the ryot cuts or removes any portion of the crop or of the produce at such a time or in such a manner as to prevent the due appraisement or division thereof, the produce may be deemed to have been as full as the fullest crop of the same description in the neighbourhood on similar land for that harvest.

Application to Collector for appraisement, division or determination of produce.

74. Where rent is taken by appraisement of the crop or division of the produce—

(*a*) if either the landholder or the ryot fails to attend, either personally or by agent, at the proper time for making the appraisement or the division; or

(*b*) if there is a dispute as to the quantity and value of the crop or as to what is a full crop under sub-section (4) of section 73, or as to the division of the produce,

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[1] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[2] The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[3] This word was substituted for the words "Collector or other officer" by section 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

an application may be presented by either party to the Collector requesting that an officer be deputed to make the division or appraisement or determination.

With the application the applicant shall deposit such fee as may be prescribed by the [1][State Government] in rules made in this behalf.

Procedure on such application.

[2][**75.** (1) On receiving such application, the Collector shall depute an officer by whom such division or appraisement or determination of rent shall be made and issue notice to the applicant and to the opposite party to appear before the said officer on the date and at the time and place specified in the notice together with a person who is a resident of the neighbourhood to serve as an assessor to assist in the division of the produce or appraisement or determination of the crop.

(2) If the opposite party objects that the rent is not taken by division or appraisement or that no rent is payable, the officer deputed shall record the objection but shall proceed as hereinafter provided and transmit the objection when submitting his award to the Collector under sub-section (6).

(3) If, on or before the date appointed in the notice issued under sub-section (1), the dispute has been adjusted, the officer shall not take any further proceedings under this section.

(4) If either party fails to attend or to secure the attendance of an assessor as required by the notice referred to in sub-section (1), the officer deputed shall nominate an assessor on his behalf.

(5) The officer deputed shall record, and in making the award shall have regard to, the opinions of the assessors but shall not be bound thereby.

(6) In the case of a division of the produce, if the parties agree to the award, the division shall be made accordingly. If the parties do not agree to such division, and in all cases in which the rent is payable by appraisement of the standing crop, or where the value of a full crop has to be determined, the officer deputed shall make an estimate of the produce or crop and determine the rent payable. He shall then deliver his award after notice to the parties and submit it with a report of his proceedings to the Collector.

(7) The parties shall be at liberty to file objections to the award within fifteen days after the day on which the award was delivered.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] This section was substituted for the original section 75 by section 48 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

(*Chapter V.—Payment and Arrears of Rent. Chapter VI.—Recovery of Rent.*)

(8) (*a*) The Collector shall hear such objections and the objections, if any, recorded under sub-section (2) and pass orders thereon after such further inquiry, if any, as may appear to him to be necessary.

(*b*) If an objection is raised that the rent is not payable by division or appraisement, or that no rent is payable, and the Collector upholds the objection, he shall set aside the award.

(*c*) If the objection is disallowed or if any other objection is raised or if no objection is raised, the Collector, except when the assessors agree with the officer deputed in which case the award shall, subject to the provisions of clause (*e*), be final, may confirm the award or may, after giving an opportunity to the parties to be heard, modify the award as he thinks fit.

(*d*) The Collector's order for the payment of rent and costs, if any, shall be final unless an objection of the nature described in clause (*b*) has been raised and shall be enforceable as a decree for arrears of rent.

(*e*) Where an objection of the nature described in clause (*b*) has been raised, the Collector's decision thereon shall be subject to an appeal to the District Court. Such appeal shall be presented within thirty days from the date of the Collector's decision.

(9) In any proceedings under this section the Collector may by order prohibit the removal of the produce until appraisement or division has been effected.]

Power of entry.

76. For the purpose of making the division and appraisement, the officer deputed, with his assessors, may enter upon any land on which or into any building in which the produce is.

CHAPTER VI.

RECOVERY OF RENT BY SUIT OR BY DISTRAINT AND SALE OF MOVABLE PROPERTY OR OF THE HOLDING.

Modes of recovery of arrears of rent.

[**77.** Subject to the provisions hereinafter contained, a landholder shall be entitled to recover any arrear of rent by a suit before the Collector, by distraint and sale of movable property or by sale of a ryot's holding.

Explanation.—Movable property for the purpose of this section shall include growing crops and the produce of land or of trees in the defaulter's holding.]

[1] This section was substituted for the original section 77 by section 49 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[1][**77-A.** No landholder shall have power to proceed against a ryot for the recovery of rent by distraint and sale of his movable property or by sale of his holding unless he shall have exchanged a patta and muchilika with such ryot or tendered him such a patta as he was bound to accept or unless a valid patta or muchilika continues in force : in the case of distraint and sale of movable property, the exchange of patta and muchilika or tender of such a patta as the ryot was bound to accept shall be not less than fifteen days prior to the distraint. Conditions for recovery of arrears by distraint of movable property or sale of holding.

[**77-B.** A patta tendered by a landholder which is partially but not entirely correct shall nevertheless be enforceable to the extent to which it is found to be correct. Enforceability of partially correct patta.

[**77-C.** Where the patta tendered for a revenue year includes any claim for rent in excess of the amount due under a previous subsisting engagement, all proceedings for the recovery of the rent by distraint and sale of movable property or by sale of the holding shall, on payment of such amount, be stopped and not proceeded with further. The claim for the balance shall be enforceable only by a suit before the Collector : Provision where tendered patta includes claim exceeding that due under previous engagement.

Provided that nothing contained in this section shall apply to the case referred to in sub-section (3) of section 42, in so far as the excess is claimed to be due to an increase in such area.

[**77-D.** A landholder shall not be entitled to distrain, except for an arrear of rent which has accrued due within the twelve months preceding the demand under section 78. Arrears which may be enforced by distraint.

[**77-E.** Where the landholder has sued for any arrear of rent and obtained a decree he shall have no right to distrain movable property for such arrear or to bring the holding to sale therefor under sections 111 to 131 and all proceedings to sell the holding for such arrear taken before the passing of the decree shall be stopped and not proceeded with further. Prohibition of distraint where decree for rent has been obtained.

[**77-F.** The following articles shall not be distrained for arrears of rent :— Articles exempted from distraint.

(1) The necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, and such personal ornaments of a woman as in accordance with religious usage cannot be parted with by her ;

(2) his ploughs and implements of husbandry, ploughing cattle and manure stocked by the ryot or cultivator and such seed grain as may be necessary for the due cultivation of the holding in the ensuing year.]

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[1] Sections 77-A to 77-F were inserted by section 50 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

(Chapter VI.—Recovery of Rent.)

Distraint how to be effected.

78. (1) Before or at the time when a distraint is made the distrainer, who may be either the landholder or his duly authorized agent, shall serve on the defaulter a written demand specifying the amount of the arrear together with an account exhibiting the grounds on which the demand is made.

(2) The demand and account shall be dated and signed by the distrainer and shall within one year from the date on which the arrear became due be served upon the defaulter by delivering a copy to him or to some adult male member of his family at his usual place of abode provided that it is in the neighbourhood of the land to which the distress refers or to his authorized agent, or, when such service cannot be effected, by affixing a copy of the notice on some conspicuous part of the land to which it refers. The demand shall set forth—

(*a*) the amount of the arrear due, with interest, if any ;

(*b*) the holding in respect of which it is due ;

(*c*) the period in respect of which it is due.

Distraint to be proportionate to arrear and list of property to be served on owner and copy sent to sale officer.

79. (1) Unless the demand is immediately satisfied, the distrainer may distrain property to the amount of the arrear [1] [with interest] and the costs of the distress and shall forthwith prepare a list or description of the said property, date and sign the same, and without delay serve it on the defaulter in the manner provided in the preceding section for the service of a written demand, and a copy of such list or description, together with a copy of the written demand and account, shall be sent by the distrainer within ten days of the service of the demand on the defaulter to the public officer hereinafter called the sale officer empowered under [2] [The Madras Rent and Revenue Sales Act, 1839] to sell property distrained for arrears.

Madras Act VII of 1839.

(2) [3] [If any person other than the defaulter notifies the distrainer that he is the cultivator or the owner of the property] a copy of the demand and of the list or description of the property shall in like manner be served on or [4] [delivered to such person in all cases in which the property distrained consists of—

(*a*) any crops or other products of the earth standing or ungathered on the holding ; and

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[1] These words were inserted by section 51 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This expression was substituted for the expression " Madras Act VII of 1839 " by section 3 (1) of and the second Schedule to the Madras Repealing and Amending Act, 1951 (Madras Act. XIV of 1951).

[3] These words were substituted for the words " If the distrainer has notice that the cultivator is some person other than the defaulter " by section 51 (ii) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[4] This was substituted for the words " delivered to the cultivator " by section 51 (iii), *ibid.*

(*b*) any crops or other products of the earth which have grown on the holding and have been reaped or gathered and are deposited on the holding or on a threshing floor or place for treading out grain or the like, whether in the fields or in a homestead.]

Distrainer may procure police assistance.

80. A person authorized to distrain may apply to the nearest police station for such assistance as may be necessary to prevent any breach of the peace, and the authority to whom such application is made shall depute one or more police officers to be present at the time of such distress for such purpose.

Distress to be proportionate to arrears.

81. The distress shall not be excessive ; [1][* * * * * *] the value of the property distrained shall be as nearly as possible equal to the amount of the arrears due [1] [with interest] and costs of distress.

Time of distress.

82. Distress shall be made after sunrise and before sunset and not otherwise.

Right to reap and preserve produce.

83. (1) Standing crops and other ungathered produce may, notwithstanding the distraint, be tended, and after notice to the distrainer, be reaped and gathered by the owner of the crop.

(2) If the owner of the crop neglects to tend, reap or gather the said crop or produce, the distrainer may do so at the expense of the owner.

(3) The distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose ; the person so appointed shall store the same in some convenient place in the neighbourhood at the expense of the owner.

What places distrainer may force open.

84. It shall be lawful for the distrainer to force open any stable, cow-house, granary, godown, out-house or other building, and he may also enter any dwelling-house, the outer door of which may be open and may break open the door of any room in such dwelling-house for the purpose of distraining property belonging to a defaulter and kept therein ; provided always that it shall not be lawful for such distrainer to break open or enter any apartment in such dwelling-house appropriated for the zenana or residence of women, except as hereinafter provided.

Power to force open doors, and to enter zenana in presence of apolice officer.

85. When a distrainer may have reason to suppose that the property of a defaulter is lodged within a dwelling-house, the outer door of which may be shut, or within any apartments appropriated to women, which by the usage of the country,

[1] The words " that is to say " were omitted and the words " with interest " were inserted by section 52 of the Madras Estates Land(Amendment) Act, 1934 (Madras Act VIII of 1934).

are considered private, such distrainer shall report the fact to the officer in charge of the nearest police station. Thereupon the officer in charge of the station shall send a police officer to the spot, in the presence of whom the distrainer may break open the outer door of such dwelling-house, and also the door of any room within the house except the zenana. The distrainer may also, in the presence of the police officer, after due notice given for the removal of women within the zenana, and after furnishing means for their removal in a suitable manner (if they be women of rank, who, according to the customs of the country, cannot appear in public), enter the zenana apartments for the purpose of distraining the defaulter's property, if any, kept therein. If any such property be found, it shall immediately be removed from such apartments in order that they may be left free for the return of the former occupants.

Distrained cattle or goods not to be used.

86. The distrainer shall not work the bullocks or cattle or make use of the property distrained. He shall provide necessary food for cattle or other livestock, and the cost thereof shall be a charge against the defaulting ryot and shall be recoverable as a cost of the distress.

Withdrawal of distress on deposit, payment or furnishing of security.

87. (1) After a distress has been made under this Chapter and at any time before the date appointed for sale, the defaulter, the cultivator or the owner of the property may tender or pay the amount specified in the written demand under section 78 with subsequent interest and costs [1] [or the amount referred to in section 77-C] to the distrainer, or may furnish security to the satisfaction of the distrainer, whereupon the distrainer shall give a written acknowledgment of the tender, payment or security, and shall withdraw the distress forth with.

(2) If, at any time before the sale of the distrained property, the defaulter or cultivator or owner of the property distrained pays to the sale officer, the amount specified in the written demand under section 78 with subsequent interest and costs [1] [or the amount referred to in section 77-C], the sale officer shall grant a receipt for the same and shall withdraw the distress forthwith.

Liability of distrainer for loss of, or injury to, distrained property.

88. When property distrained may be stolen, lost, damaged or destroyed while in the keeping of the distrainer, by reason of his not having taken reasonable precautions for its preservation, the owner may sue the distrainer for damages before the Collector.

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[1] These words, figures and letter were inserted by section 53 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

(Chapter VI.—Recovery of Rent.)

Claim of third person to right or interest in distrained property.

89. A third person claiming a right or interest in any of the movable property under distraint may before the date of sale make an application to the Collector or sale officer and the Collector shall thereupon hold or cause to be held an immediate inquiry, and if he sees sufficient cause for doing so, may postpone the sale of such property. The Collector shall pass such order upon the claim as he shall deem fit.

Delivery of property fraudulently conveyed to prevent distress or forcibly or clandestinely removed after distraint.

90. When, after an application made by the distrainer, it is proved to the satisfaction of the Collector that,

(*a*) a defaulter has made a fraudulent conveyance of movable property to prevent distress for arrears,

(*b*) any person has forcibly or clandestinely taken away movable property once distrained,

the Collector shall pass an order directing that the property be restored or that its value be paid to the distrainer.

Suit against orders under sections 89 and 90.

[1] [**91.** Any person aggrieved by an order under section 89 or section 90 may institute a suit before the Civil Court within one year from the date of the order to establish the right which he claims to the property in dispute and for compensation.]

Application for sale.

92. (1) The distrainer shall within fifteen days from the date of the distraint apply to the sale officer for the sale of the property specified in the list or description mentioned in section 79.

(2) If no such application is made, the distraint on the property shall cease to be in force at the expiration of the said period of fifteen days.

Contents of application.

93. The application shall be in writing and shall specify the following particulars, namely,—

(*a*) The name and residence of the defaulter and in the case provided for in sub-section (2) of section 79, [2] [also of the person who notifies that he is the cultivator or the owner ;]

(*b*) the amount due ;

(*c*) the date of the distraint ; and

(*d*) the place in which the distrained property is.

Fee for service of notice.

94. Together with the application, the distrainer shall deliver to the sale officer the fee prescribed for the service of notice.

Procedure on receipt of application.

95. (1) Immediately on receipt of such application and fee, the sale officer shall send a copy of the application and of the list or description mentioned in section 79 to the Collector and shall serve a notice on the defaulter, requiring him either

[1] This section was substituted for the original section 91 by section 54 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were substituted for the words "of the cultivator also" by section 55, *ibid*.

to pay the amount demanded, or to institute a suit before the Collector to contest the distraint within fifteen days from the date of the service of the notice.

(2) In the case provided for in sub-section (2) of section 79 similar notice shall be served on the cultivator [1] [or owner who may also file a suit before the Collector to contest the distraint within fifteen days from the date of the service of such notice.]

(3) The sale officer shall by order fix a date for the sale which shall not be less than fifteen days from the date of service of the notice under sub-section (1) or sub-section (2), as the case may be, and shall cause it to be proclaimed by beat of drum in the village where the distrained property is; he shall also post a copy of his order in some conspicuous place in the village [2] [and communicate it in person or by post to the defaulter and to the cultivator or owner.]

In fixing the date of sale, not less than seven days shall be allowed from the date of the aforesaid proclamation.

(4) The notice and proclamation shall specify—

(*a*) the property to be sold;

(*b*) the amount mentioned in the application under section 93; and

(*c*) the time and place at which the sale is to be held.

[3] [(5) If for any reason the sale officer is unable to hold the sale on the date fixed under sub-section (3), he may, by order, adjourn the sale to another day. Such order shall be proclaimed and posted in the village in the same manner as an order under sub-section (3). A copy of such order shall be delivered in person or sent by post to the defaulter and to the cultivator or owner.]

When sale may take place.

96. If the defaulting ryot or [4] [cultivator or owner aforesaid] does not, within fifteen days from the date of the service of the notice referred to in section 95, file a suit before the Collector to set aside the distress, or if such a suit is filed and is decided against him by the Collector and if the sale has not been countermanded or postponed under section 89, section 103, or section 104, the sale officer, unless the said demand, with such expenses of the distraint as are allowed by him, is discharged in full, shall proceed in the manner hereinafter described to sell the property or such part of it as may be necessary to satisfy the demand with the expenses of the distraint and the costs of the sale.

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[1] These words were added by section 56 (i) and (ii) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were added by section 56 (i) and (ii), *ibid.*

[3] Sub-section (5) was added by section 56 (iii), *ibid.*

[4] These words were substituted for the words "cultivator aforesaid" by section 57, *ibid.*

Place of sale.

97. The sale shall ordinarily be held in the village where the property was distrained or is stored or at the nearest place of public resort if the sale officer is of opinion that the property is likely to sell to better advantage there. In any case, the distrainer shall be bound to produce the property at the time and place of sale, and the cost of the transport thereof shall be considered part of the cost of distress.

Sale of perishable articles.

98. Notwithstanding anything contained in this Chapter, crops or products which are in their nature speedily perishable shall be sold as early as possible by the distrainer, and the sale-proceeds shall be deposited with the sale officer.

When crop may be sold.

99. (1) Crops or products which from their nature admit of being stored shall not be sold before they are reaped or gathered and are ready for storing.

(2) Crops or products which from their nature do not admit of being stored may be sold before they are reaped or gathered, and the purchaser shall be entitled to enter on the land by himself or by any person appointed by him in this behalf and do all that is necessary for the purpose of tending and reaping or gathering them.

Manner of sale.

100. The property shall be sold by public auction, in one or more lots as the sale officer may think advisable, and if the demand with the costs of distress and sale is satisfied by the sale of a portion of the property the distress shall be immediately withdrawn with respect to the remainder.

Postponement of sale.

[**101.** If, on the property being put up for sale, a fair price in the estimation of the sale officer is not offered for it and if the defaulter, cultivator or owner of the property or a person authorized to act in his behalf or the distrainer applies to have the sale postponed until the next day or the next market day if a market is held at or near the place of sale, the sale shall be postponed until the next day or until the next market day, as the case may be, and shall then be completed, whatever price may be offered for the property.]

Payment of purchase-money.

102. The price of every lot shall be paid at the time of sale, or as soon thereafter as the officer holding the sale directs, and in default of such payment the property shall be put up again and sold and any deficiency in price which may happen on such second sale and all expenses attending such second sale shall be [2] [reported to the Collector by the sale officer and the

[1] This section was substituted for the original section 101 by section 58 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were substituted for the words "certified to the Collector by the sale officer and shall at the instance either of the distrainer, the defaulter or the cultivator, without prejudice to any other remedy which he may have, be recoverable in a suit before the Collector from the defaulting purchaser" by section 59, *ibid*.

Collector may, on application by the distrainer, the defaulter, the cultivator or the owner and after notice to the defaulting purchaser and hearing his objections, if any, certify the amount recoverable from him and the amount so certified by the Collector shall be recoverable from the defaulting purchaser at the instance either of the distrainer, the defaulter, the cultivator or the owner as if the Collector had passed a decree therefor.]

Any sum recovered under this section from the defaulting purchaser shall be dealt with under section 106 as if it were proceeds of the sale.

Obligation to report irregularity in distraining.

103. The sale officer shall bring to the notice of the Collector any material irregularity committed by the distrainer under colour of this Act, and may in such case postpone the sale pending the Collector's order.

Effect of irregularity in distraining.

104. (1) If it shall come to the knowledge of the Collector that the distrainer has not served on the ryot a written demand as required by section 78, or has failed to serve the list or description mentioned in section 79 [1][* * * * * * *] or that the distress was excessive, the Collector may either order the sale to proceed, or direct the issue of another notice or proclamation of sale, in which case he shall order that the costs of the resale shall be borne by the distrainer.

(2) If the Collector finds that the distraint is vexatious or groundless, he [2] [shall order] the restoration of the distrained property.

Certificate to be given to purchaser.

105. When the purchase-money has been paid in full, the sale officer shall deliver the property to the purchaser and shall give him a certificate signed by himself, describing the property purchased and the price paid.

Disposal of proceeds of sale.

106. (1) From the proceeds of every sale of distrained property under this Act, the sale officer shall make a deduction at a rate not exceeding one anna in the rupee on account of the costs of the sale, and shall remit the amount so deducted to the Tahsildar.

(2) He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distraint, and of the issue of the notice and proclamation of the sale mentioned in section 95 to such amount as, after examining the statement of expenses furnished by the distrainer, he thinks proper to allow.

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[1] The words and figures "or has failed to apply to the sale officer for an order under section 92" were omitted by section 60 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were substituted for the words "may order" by section 60 (ii), *ibid.*

(3) The remainder shall be applied to the [1][discharge of the amount for which the distraint was made with subsequent interest up to the date of payment.]

(4) The surplus (if any) shall be delivered to the person whose property has been sold and he shall receive from the sale officer a receipt for any arrears discharged from the proceeds of sale.

(5) If either the distrainer, or the owner of the distrained property, shall be dissatisfied with the sale officer's decision, the Collector shall, on an application being made to him by either party, determine the expenses incurred in distraining the property and bringing it to sale.

Prohibition against bidding for or purchase of property by sale officer or subordinate.

107. No officer holding a sale of property under this Act and no person employed by or subordinate to such officer, shall either directly or indirectly bid for, acquire or attempt to acquire any interest in any property sold at such sale.

Right of tenant or cultivator to deduct from rent amount paid for his landlord.

108. (1) When an arrear of rent is realized from a tenant or cultivator by proceedings in distraint by any person other than his immediate landlord the tenant or cultivator shall be entitled to deduct the amount so realized from any rent payable by him to such landlord, and such landlord, if he is not the defaulter, shall in like manner be entitled to deduct the same amount from any rent payable by him to his landlord, and so on until the defaulter is reached.

(2) Nothing in this section shall affect the right of any tenant or cultivator making a payment under section 87 to institute a suit in a Civil Court for the recovery from the defaulter of any portion of the amount paid which he has not deducted under this section.

Conflict between distress by landholder and attachment by court.

109. When any conflict arises between the right of a landholder distraining produce over which he has a first charge under sub-section (1) of section 5 and the right of a person claiming under an attachment by a Civil Court, the right of the landholder shall prevail; but if the property is sold by a Collector in consequence of such landholder's distress the surplus proceeds of the sale shall not be paid under section 106 to the person whose property has been sold, but shall be deposited in the Court from which the order of attachment issued.

Tender of amount under protest to be deemed valid.

110. A tender of the amount of the arrears of rent claimed by the landholder shall be deemed valid though made under protest, and on such tender being made the distrainer shall be bound to refrain from distraining or selling the property, and

[1] These words were substituted for the words "discharge of the arrear for which the distraint was made" by section 61 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

if a distraint has been made to release the property distrained provided that when the amount so tendered is received, the fact that the payment was made under protest shall be stated in the receipt given to the person making the payment.

Sale of Ryot's Holding.

Sale of holding.

111. When an arrear is not paid within the revenue year in which it accrued due, it shall be lawful for the landholder to sell the holding or any part thereof, in the manner hereinafter provided, in satisfaction of the arrear and of interest thereon and of costs, if any, of the sale.

Notice of intention to sell.

[1] **[112.** (1)] When the landholder to whom an arrear is due intends to avail himself of the powers given by the last preceding section, he shall serve on the defaulter through the Collector a written notice stating the amount due for arrears, interest and costs, if any, the period for which and the holding in respect of which it is due, and informing him that if he does not pay the amount or [2] [institute a suit] before the Collector contesting the right of sale within thirty days from the date of service of the notice, the said holding or any part thereof specified in the said notice will be sold. Such notice shall be [3] [delivered to the Collector] within one year from the end of the revenue year for which the arrear is due.

[4] [Four copies of the notice together with the fee for service thereof shall be sent to the Collector who shall cause service to be effected upon the defaulter in the manner provided in sub-section (2) of section 78 for the service of a written demand. A copy of the notice shall also be sent by post to the defaulter.]

Copies of the notice shall in every case be posted at conspicuous places on the land to which it relates and in the village where the land is situated.

[5] [(2) Any person having an interest in the holding o part thereof who would be affected by its sale may institute a suit before the Collector contesting the right of sale within the period fixed in sub-section (1).]

Intimation of date of service to landholder.

113. Intimation of the date of service shall forthwith be given to the landholder by post.

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[1] Section 112 was renumbered as sub-section (1) of section 112 by section 62 (1) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were substituted for the words "file a suit" by *ibid.*

[3] These words were substituted for the words "sent to the Collector" by *ibid.*

[4] The second paragraph of section 112 (1) was substituted for the original paragraph by *ibid.*

[5] Sub-section (2) of section 112 was added by section 62 (2), *ibid.*

(Chapter VI.—Recovery of Rent.)

[1] [**114.** If the amount specified in the notice under section 112 has not been paid and if no suit contesting the right of sale has been instituted before the Collector within thirty days from the date of service of the said notice, or if such suit has been instituted and the defaulting ryot has been declared to be liable to pay the amount in whole or in part, the landholder may apply to the Collector for sale.] Application for sale.

115. (1) If no suit has been instituted, such application shall be made within forty-five days of the posting by the Collector of intimation of service under section 113. Period of limitation for application under section 114.

(2) If a suit has been instituted and it has been disposed of against the defaulter or withdrawn, such application shall be made within thirty days of the date of the disposal or withdrawal.

[2] [**116.** (1) On receipt of such application, the Collector shall issue notice to the parties and after hearing such of them as appear shall determine the extent of land to be sold, the lots if any in which it shall be sold, the order in which the lots shall be sold and the estimated value of each lot and shall order the sale, appoint an officer to conduct the sale, draw up the proclamation of sale and direct copies thereof in the vernacular of the taluk to be posted in his office and in the taluk office : Proclamation of sale and appointment of selling officer.

Provided that no such lot shall, except with the consent of the landholder, be less than a revenue field.

(2) The proclamation shall specify—

(*a*) (i) the land to be sold ;

(ii) the lots, if any, in which it shall be sold ;

(iii) the order in which the lots shall be sold ;

(iv) the estimated value of each lot ; and

(v) the rent or rates of rent payable in respect of each lot ;

(*b*) subject to the provisions of section 77-C, the amount specified in the written notice under section 112 or where it has been declared by the Collector in a suit contesting the right of sale instituted under sub-section (1) or sub-section (2) of section 112 that the ryot is liable to pay only a part of the amount specified in such notice, such part, together in each case with costs and interest, if any, up to the date of the order of the sale ;

(*c*) any encumbrance subject to which the land is liable to be sold ; and

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[1] This section was substituted for the original section 114 by section 63 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This section was substituted for the original section 116 by section 64, *ibid.*

(*d*) every other thing which the Collector considers material for the purchaser to know in order to judge the nature and value of the land.]

Duty of selling officer.

[1] [**117.** (1) The selling officer shall, by order, fix the date, time and place of the sale and direct a copy of the order in the vernacular of the taluk to be posted in the taluk office and cause the contents of the order and of the proclamation of sale to be published by beat of drum in the village where the holding is situated. He shall also post a copy of the order and of the proclamation of sale in the village chavadi or if there is no village chavadi, in a conspicuous place in the village and shall send a copy of his order and of the proclamation of sale to the defaulter by post. A copy of the order and proclamation shall be published in the District Gazette.

(2) In fixing the date of sale not less than thirty days shall be allowed from the date on which publication by beat of drum is made as aforesaid.

(3) If, for any reason, the selling officer is unable to hold the sale on the date fixed under sub-section (1), he may from time to time by order adjourn the sale to another day. Such order shall be published and posted in the village in the same manner as an order under sub-section (1). A copy of such order shall be delivered to the defaulter in person or sent to him by post.]

Sale when amount due is not discharged in full.

118. If the [2] [amount mentioned in the proclamation of sale] is not discharged in full, the selling officer shall proceed in the manner hereinafter described to sell the property or such part of it as may be necessary to satisfy the demand with the expenses and the costs of the sale.

Place of sale.

119. The sale shall ordinarily be held in the village where the holding is situated or at the nearest place of public resort if the selling officer is of opinion that the property is likely to sell to better advantage there.

Manner of sale.

120. The property shall be sold by public auction [3] [in one or more lots as may be specified in the proclamation of sale ;] [4] [* * * * *] and if the demand with [5] [the expenses and the costs of the sale] is satisfied by the sale of a portion of the property, the sale shall be immediately stopped with respect to the remainder.

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[1] This section was substituted for the original section 117 by section 65 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were substituted for the words "said amount" by section 66, *ibid.*

[3] These words were substituted for the words "in one or more lots as the selling officer may think advisable" by section 67, *ibid.*

[4] The words "but no such lot shall, except with the consent of the landholder be less than a revenue field" were omitted by *ibid.*

[5] These words were substituted for the words "the costs of distress and sale" by *ibid.*

(Chapter VI.—Recovery of Rent.)

[1][120-A. (1) A landholder who has brought to sale a ryot's holding or part thereof for an arrear of rent may bid for or purchase the same. Right of landholder to bid for holding and set off amounts due to him.

(2) Where the landholder purchases, the purchase-money and the amount due to him as mentioned in the proclamation may be set off one against the other.]

121. If, on the property being put up for sale, a fair price in the estimation of the selling officer is not offered for it, and if the defaulter or a person authorized to act in his behalf, or the landholder applies to have the sale postponed until the next day, the sale shall be postponed until that day and shall then be completed, whatever price may be offered for the property. Postponement of sale.

122. Every such sale shall be stopped, if the landholder withdraws his application for sale or if before the lot is knocked down, the amount mentioned in the proclamation, and [2][the expenses and the costs of the sale] are tendered to the selling officer, or proof is given to his satisfaction that such amount has been paid to the Collector. [3][The selling officer shall receive the amount tendered and transmit the same forthwith to the Collector.] Stoppage of sale.

[4][**123.** (1) The price of every lot, or where the landholder is the purchaser, the balance of such price after deducting any amount which he sets off under sub-section (2) of section 120-A, or the poundage payable by him under clause (*b*) of sub-section (1) of section 127, whichever is greater, shall be paid to the selling officer at the time of the sale, or as soon thereafter as he may direct. Payment of purchase-money and notification of sale.

(2) In default of such payment the property shall be put up again and sold and any deficiency in price, which may happen on such second sale and all expenses attending such second sale including the poundage payable in respect thereof, shall be certified to the Collector by the selling officer and the Collector may, on application by the landholder or the defaulter and after notice to the defaulting purchaser and hearing his objections, if any, certify the amount recoverable from him and the amount so certified by the Collector shall be recoverable from the defaulting purchaser at the instance either of the landholder or the defaulter, as if the Collector had passed a decree therefor.

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[1] Section 120-A was inserted by section 68 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were substituted for the words "costs of the sale" by section 69, *ibid.*

[3] This sentence was added by *ibid.*

[4] This section was substituted for the original section 123 by section 70 *ibid.*

Any sum recovered under this sub-section from the defaulting purchaser shall be dealt with under section 127, as if it were proceeds of the sale.

(3) As soon as the payment referred to in sub-section (1) is made, a notification shall be published in the issue of the District Gazette immediately following, giving particulars of—

(i) the date of sale,

(ii) the lands sold,

(iii) the price for which they were sold, and

(iv) the names of the purchaser, defaulter and landholder concerned.]

Transmission of purchase money to Collector and grant of certificate of sale.

[1] [**124.** (1) All moneys received by the selling officer under sub-section (1) of section 123 shall forthwith be transmitted to the Collector.

(2) On the expiration of forty-five days from the date of sale as specified in the notification under sub-section (3) of section 123, the Collector shall, if no application has been made to set aside the sale under section 131 or if such application has been made and rejected, grant a certificate of sale to the purchaser stating the property sold, the name of the purchaser, the date of the sale and the price at which the property was purchased and shall place him in possession of the property sold.

(3) The Collector shall also cause a copy of the certificate to be posted in the village chavadi of the village in which the lands are situated or, if there is no village chavadi, in a conspicuous place in the village. A copy of the certificate shall also be published in the District Gazette.]

Encumbrances.

125. When a holding or part of a holding is sold for arrears due in respect thereof, the purchaser shall take, subject to any right or interest which the ryot has created therein with the landholder's permission in writing registered and subject also to any encumbrances created before the passing of this Act [2] [but not subject to any arrears of rent due in respect of the holding before the date of sale or to interest on such arrears, whether a decree has been obtained or not for such arrears or interest.]

Extent of holding to be brought to sale.

126. The portion of the holding brought to sale by the landholder shall be, as nearly as possible, equal in value to the amount of arrears due and costs.

Rules for disposal of sale-proceeds.

127. [3][(1) (*a*) From the proceeds of every sale of a holding or part of a holding under this Act, the Collector shall make

[1] This section was substituted for the original section 124 by section 71 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were added by section 72, *ibid.*

[3] Original section 127 was renumbered as sub-section (2) of section 127 and new sub-section (1) was inserted by section 73 (1), *ibid.*

a deduction at a rate not exceeding one anna in the rupee for poundage.

(*b*) If the landholder purchases the property and sets off any sum due to him against the purchase-money, he shall pay the amount chargeable for poundage at the rate specified in clause (*a*).

(*c*) The amount deducted or paid on account of poundage shall form part of the costs and expenses of the sale.]

[1][(2)] [2] [In disposing of the balance of the proceeds of the sale] the following rules [3] [shall, subject to the provisions of sub-section (2) of section 120-A, be observed], that is to say :—

(*a*) there shall first be paid to the landholder the costs incurred by him in bringing the holding to sale ;

(*b*) there shall, in the next place, be paid to the landholder the amount due to him for arrears and interest up to date of payment ;

(*c*) if there remains a balance after these sums have been paid, there shall be paid to the landholder therefrom any [4] [arrears of rent and interest due in respect of the holding between the date of the notice under section 112] and the date of the sale and the defaulter shall receive from the selling officer a receipt for the amount so paid ; if the defaulter disputes the landholder's right to receive any sum under this clause, the Collector shall register the dispute as a suit and shall proceed to determine it :

Provided that no payment shall be made to the landholder under clauses (*a*), (*b*) and (*c*) [5] [until after the grant of a certificate of sale under sub-section (2) of section 124].

(*d*) the balance (if any) remaining after the payment of the amount mentioned in clause (*c*) shall, subject to the order of any Civil Court to the contrary, be paid to the defaulter on his application, after the expiration of three months from the date of the sale.

Right of person having interest in the holding on payment of amount due.

128. (1) When a proclamation has been made for the sale of a holding or part of a holding and any person having an interest therein which would be affected by the sale, pays to

[1] Original section 127 was renumbered as sub-section (2) of section 127 and new sub-section (1) was inserted by section 73 (1) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were substituted for the words " In disposing of the proceeds of a sale of a holding under this chapter " by section 73 (2) (*a*), *ibid.*

[3] These words, figures and letter were substituted for the words " shall be observed " by *ibid.*

[4] These words and figures were substituted for the words " rent which may have fallen due to him in respect of the holding between the date of application or suit " by section 73 (2) (*b*), *ibid.*

[5] These words and figures were substituted for the words " of this section until after the expiration of thirty days from the date of sale " by section 73 (2) (*c*), *ibid.*

the Collector or the selling officer the amount requisite under section 122 to prevent the sale,—

(*a*) the amount so paid by him shall be deemed to be a debt bearing interest at six per centum per annum and charged upon the holding ; and

(*b*) such charge shall take priority of every other charge on the holding, other than a charge for arrear of rent and any prior charge under this section.

(2) Nothing in this section shall affect any other remedy to which any such person would be entitled.

Right of tenant or sub-tenant to deduct from rent amount paid for ryot.

129. Where a proclamation has been made for the sale of a holding or part of a holding of a defaulting ryot, and any tenant or sub-tenant thereof, whose interest would be affected by the sale, pays to the Collector or to the selling officer the amount requisite under section 122 to prevent the sale, he may, in addition to any other remedy provided for him by law, deduct the whole or any portion of the amount so paid from any rent payable by him to his immediate landlord ; and that landlord may in like manner deduct the amount so deducted from any rent payable by him to his immediate landlord and so on, until the defaulter is reached.

[1] [**130.*** * * *.]

Application to set aside sale on deposit of purchase money.

[2] [**131.** (1) When a ryot's holding or part thereof is sold for an arrear due thereon, the defaulting ryot, or any person having a right or interest therein affected by the sale, may apply to the Collector to have the sale set aside on his depositing with that officer—

(*a*) for payment to the Government, the amount deducted for poundage under clause (*a*) of sub-section (1) of section 127 ;

(*b*) for payment to the landholder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, together with subsequent costs, if any incurred by the landholder in bringing the holding to sale, and including, where the landholder is the purchaser, the amount paid by him for poundage under clause (*b*) of sub-section (1) of section 127 less any amount which may, since the date of the proclamation of sale, have been received by the landholder ; and

(*c*) for payment to the purchaser, a sum equal to five per centum of the purchase money.

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[1] Section 130 was omitted by section 74 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This section was substituted for the original section 131 by section 75, *ibid.*

(2) If such deposit is made the Collector shall pass an order setting aside the sale, and directing repayment of the purchase-money and the five per centum to the purchaser :

Provided that where the landholder is the purchaser, only the five per centum and the balance of the purchase-money after deducting the amount which he sets off under sub-section (2) of section 120-A shall be directed to be repaid to him as purchaser.]

Application of this Chapter to execution of decrees for arrears of rent.

132. The provisions of this Chapter shall be applicable as far as may be, to the execution by a Revenue Court of any decree for arrears of rent.

Collector executing decree may grant defaulter time to pay.

133. The Collector, (*a*) in executing a decree for arrears in a suit under this Act or (*b*) on the application of the defaulter whose holding is to be sold under the provisions of this Chapter, may, before issuing an order for the sale of the holding or part thereof and on the defaulter's giving security for the amount of the debt with costs and interest to the satisfaction of the Collector, allow the defaulter time in which to pay the amount due, provided that any period or the aggregate of any periods so allowed shall not exceed two months unless the [1][State Government] by general or special order allow a longer period

Extension of application of provisions of this Chapter.

134. The provisions contained in this Chapter for the recovery of rent from a ryot by distraint and sale of movable property shall apply, as far as may be, to—

(1) the recovery of rent by a landholder from a tenant of private land in the estate, provided [2] [pattas] and [2] [muchilikas] have been exchanged between them ; and

(2) the recovery of rent by a landowner under ryotwari settlement with [3] [the Government] or in any way subject to the payment of land revenue direct to [4] [the Government] or any other registered holder of land in proprietary right from a tenant from whom he has taken a written agreement specifying the rent to be paid.

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[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the words " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] The words " pattas " and " muchilikas " were substituted, respectively, for the words " puttahs " and " muchalkas " by section 2 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] The words " the Crown " were substituted for the words " the Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

[4] The words " the Crown " were substituted for the word " Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown ", by *ibid.*

(*Chapter VI.—Recovery of Rent. Chapter VII.—Recovery of Excess Payments. Chapter VIII.—Irrigation Works.*)

[1] [The provisions contained in this Chapter for the recovery of rent from a ryot by a suit before the Collector, shall apply, as far as may be, to the recovery of rent by a landholder from a ryot holding, under a written engagement specifying the rent payable, a tree or trees apart from the land on which they stand in the same village as that in which he holds lands as a ryot.]

[2][CHAPTER VII.

RECOVERY OF EXCESS PAYMENTS.

Prohibition of payments in addition to rent.

135. A landholder shall not be entitled to take, receive, or exact from his ryots, as such, under any name or under any pretence anything in addition to the rent lawfully payable. All stipulations and reservations for such additional payment shall be void.

Recovery of such payment and penalties.

136. Every ryot from whom as such, anything has been taken, received or exacted by the landholder in addition to the rent lawfully payable, shall be entitled to recover by a suit before the Collector the amount or value of what has been so taken, received or exacted, and where anything has been exacted, also such sum by way of penalty as the Collector thinks fit, not exceeding one hundred rupees or, when double such amount or value exceeds one hundred rupees, not exceeding double that amount or value.

[2] CHAPTER VIII.

IRRIGATION WORKS.

'ayacut.'

136-A. In this Chapter—

(1) the 'ayacut' of an irrigation work shall mean all the lands which are entitled to irrigation under the irrigation work;

'major irrigation work.'

(2) 'major irrigation work' shall mean an irrigation work of which the ayacut is 200 acres or more in extent and any other irrigation work notified by the District Collector under section 136-B; and

'minor irrigation work.'

(3) 'minor irrigation work' shall mean any irrigation work which is not a major irrigation work.

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[1] This paragraph was added by section 76 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] Chapters VII and VIII were substituted for the original Chapters VII and VIII, respectively, by section 77, *ibid.*

(*Chapter VIII.—Irrigation Works.*)

Notification of certain works as major irrigation works.

136-B. The District Collector may, by notification in the District Gazette, declare that any irrigation work shall be deemed to be, or to be part of, a major irrigation work for the purposes of this Chapter, notwithstanding that its ayacut is less than 200 acres.

(*a*) on the ground that the work is so situated that any railway may appear liable to be injured from the escape or overflow of water therefrom ; or

(*b*) for any other special reason.

The ground or reason for every declaration under this section shall be specified in the notification.

Applications to whom to be made.

136-C. Applications under this Chapter shall be made—

(*a*) to the District Collector in the case of a major irrigation work, and

(*b*) to the Revenue Divisional Officer in the case of a minor irrigation work.

Inquiry on application.

136-D. The officer to whom an application is made under this Chapter may himself inquire into the application or depute an officer subordinate to him not below the rank of a Deputy Tahsildar to make the inquiry. The officer making the inquiry shall fix a date and the time and place at which the inquiry will take place and cause to be served on the respondent or respondents a copy of the application and a notice to show cause why the order prayed for should not issue. The notice shall also be posted in the village or villages where the land irrigated is situated and shall also be published in the manner prescribed so as to give notice to the ryots holding lands in the ayacut of the irrigation work. On the day fixed in the notice or, on any other date to which the inquiry may be adjourned, the officer making the inquiry shall hear the applicant or applicants, the respondent or respondents and any ryots interested who may attend, and may take evidence and make such further inquiry as he may think fit. If the inquiry is made by an officer other than the officer to whom the application is made, he shall make a report thereon to the officer to whom the application is made and shall send him the records of the enquiry ; and the officer to whom the application is made shall pass his order after considering the report and hearing the objections, if any, of the parties.

Determination of ayacut.

137. The landholder in whose estate an irrigation work is situated or any ryot or ryots holding land irrigable from the irrigation work may apply for an order determining what lands are or should be included in the ayacut of such irrigation work. On inquiry or report under section 136-D, the officer to whom the application is made shall pass an order—

(*a*) determining what lands are or should be included in the ayacut of such irrigation work, and

(*b*) classifying any such lands as 'irrigated' or 'garden' if they are not already so classified, and

(*c*) determining the rate of rent to be paid on the lands so classified.

Sanction to extend ayacut.

137-A. Where the ayacut of an irrigation work in an estate has been determined by an order passed under section 137 or in a record of rights published under Chapter XI, the landholder of the estate may apply for sanction to extend such ayacut by the inclusion in it of the land or lands mentioned in the application. On inquiry or report under section 136-D the officer to whom the application is made may pass an order—

(*a*) sanctioning the extension of the ayacut by the inclusion of such lands mentioned in the application as he finds can be included in the ayacut without prejudice to the irrigation in the customary manner of the lands already included in the ayacut, and

(*b*) reclassifying the land newly included in the ayacut under clause (*a*) as 'irrigated' or 'garden' and

(*c*) determining the rate of rent to be paid on lands so reclassified.

Prohibition of unauthorized extension of ayacut.

137-B. Where the ayacut of an irrigation work in an estate has been determined by an order passed under section 137 or by a record of rights published under Chapter XI, the landholder shall not be entitled to extend such ayacut except in pursuance of an order under section 137-A.

Reclassification of irrigated or garden land as unirrigated.

137-C. Any ryot holding land under a landholder as irrigated or garden land in the ayacut of an irrigation work, may apply for an order for the reclassification of such land as unirrigated land, on the ground that it has not been possible for a period of not less than six consecutive years immediately prior to the date of application, to irrigate such land from such irrigation work. If on inquiry or report under section 136-D the officer to whom the application is made finds that it has not been possible for a period of not less than six consecutive years immediately prior to the date of application, to irrigate such land or any portion of it from the irrigation work in the ayacut of which it is included, he may pass an order reclassifying such land or portion as unirrigated and determining the rate of rent to be paid on the land or portion so reclassified.

Determination of rate of rent on reclassified lands.

137-D. (1) In determining the rate of rent under clause (*c*) of section 137, clause (*c*) of section 137-A or section 137-C, the officer to whom the application is made shall have due regard to the rate of rent for similar lands, if any, with similar advantages in the neighbourhood.

(2) Nothing contained in Chapters III and XI shall be deemed to affect the powers of the said officer to determine the rates of rent under any of the provisions referred to in sub-section (1).

Application for repair of irrigation work.

138. Any ryot or ryots holding land under a landholder in the ayacut of an irrigation work and

(*a*) paying not less than one-fourth of the rent of the ayacut, or

(*b*) holding not less than one-fourth of the extent of the ayacut, or

(*c*) depositing such amount not exceeding two hundred rupees in the case of a major irrigation work and one hundred rupees in the case of a minor irrigation work as may be demanded by way of security

may apply for the issue of an order for the repair of the work if the work is in such a state of disrepair as materially to prejudice the irrigation of the lands dependent upon it and if the landholder upon his or their application has refused or neglected to execute the necessary repairs. The application shall state in sufficient detail the facts on which the claim of the applicant or applicants is based and the general nature of the defects in the irrigation work. Any ryot or ryots intending to file an application under this section and any person or persons authorized by him or them shall have free access to the irrigation work concerned to enable him or them to state these facts and the general nature of these defects.

Explanation.—Repairs shall not include petty works such as yearly clearance of supply and distribution channels or minor repairs which the ryots are by law or custom bound to carry out.

Inquiry and order on such application.

139. (1) (*a*) If on inquiry or report under section 136-D, the officer to whom the application is made is satisfied—

(i) that the irrigation work is in such a state of disrepair as materially to prejudice the irrigation of the lands dependent upon it ; and

(ii) that the state of disrepair is not due exclusively to the wrongful acts of the ryots or to omission to make such petty works or minor repairs as the ryots are by law or custom bound to carry out,

he may pass an order specifying the works necessary for the restoration of the irrigation work to efficiency and the estimated cost of the same and requiring the landholder to execute the said works within a specified time which may be extended from time to time by the officer. In passing an order specifying or extending the time, the officer shall consider any representations made by the ryot or ryots who made the application and pay due regard to the capacity of the estate

of such landholder to bear within such time, the cost of such works in addition to the cost of other works, if any, ordered by such officer or by any other officer to be executed by such landholder or undertaken by such landholder of his own accord.

(*b*) If on such inquiry or report, the officer to whom the application is made is satisfied—

(i) that the irrigation work is not in such a state of disrepair as materially to prejudice the irrigation of the lands dependent upon it ; or

(ii) that the state of disrepair is due exclusively to the wrongful acts of the ryots or to omission to make such petty works or minor repairs as the ryots are by law or custom bound to carry out, he shall dismiss the application.

(2) (*a*) The costs incurred by the applicant or applicants or by the landholder in connexion with the application, shall be in the discretion of the officer to whom the application is made and he shall have full power to determine by whom and to what extent such costs are to be paid :

Provided that the amount awarded as costs shall be reasonable and that the amount awarded to the landholder shall in no case exceed two hundred rupees in the case of a major irrigation work and one hundred rupees in the case of a minor irrigation work.

(*b*) Where any security has been deposited under section 138 the officer aforesaid may, if he awards costs to the landholder under clause (*a*), pay such costs out of the amount of such security and where such officer is satisfied that the application was frivolous, he may also declare the whole or part of the balance, if any, of the said amount to be forfeited to the Government.

(3) An order passed under clause (*a*) of sub-section (1) shall declare that, if the landholder refuses or within the time specified in such order as extended from time to time under that clause, fails to execute the works, he shall deposit the amount of the estimated cost within a time to be specified in that behalf. If the landholder fails to make the deposit within the time so specified or within such further time as may be allowed, the officer passing the order shall recover the same from the landholder as if it were an arrear of land revenue.

(4) On the estimated cost being deposited or recovered as aforesaid, the officer shall get the works executed as soon as may be by such persons and in such manner as he may direct and meet the cost of such works from the amount deposited or recovered as aforesaid.

(5) If the amount of the estimated cost deposited by or recovered from the landholder as aforesaid is found insufficient for the completion of the works, the officer may require

the landholder to deposit such further sum as may be necessary for the purpose within a specified time and failing such deposit shall recover the same as if it were an arrear of land revenue and the amount so deposited or recovered shall be utilized by the officer for meeting the cost of the works.

(6) If the amount deposited or recovered from the landholder under this section exceeds the cost of the works, such excess shall be refunded to him.

Explanation.—For the purposes of this section, the cost of any works shall include the cost, if any, of the inspection of the same after completion.

Liability of dasabandam inamdar.

140. (1) Where the default to maintain the irrigation work in good repair is that of a holder of a dasabandam inam granted prior to the permanent settlement and confirmed but not enfranchised by the British Government, the holder of the estate served by the irrigation work shall be entitled to call on the holder of the dasabandam inam to execute the works specified in the order passed under clause (*a*) of sub-section (1) of section 139 or to pay for their execution and on his default to do either, such holder of the estate may execute the said works as directed in the order and recover the cost of the same from the dasabandam inamdar by suit before the Collector. The amount of the decree may be recovered as if it were an arrear of rent.

(2) Nothing contained in sub-section (1) shall be deemed to affect the right of such holder of the estate to resume such inam for proper cause.

Temporary reduction of rent pending completion of works of repair.

141. At the time of passing an order under clause (*a*) of sub-section (1) of section 139 or at any time subsequent thereto, the officer passing the order may, on the application of any ryot or ryots holding lands in the ayacut of the irrigation work in respect of which such order is passed, direct such temporary reduction of rent as he thinks fair and equitable until the works specified in such order have been completed.

Irrigation works serving partly on estate and partly Government land.

142. (1) If the irrigation work serves partly an estate and partly Government land, the repair as aforesaid shall invariably be executed by the District Collector, and after notice to the landholder giving him an opportunity to examine the stated cost of the repair and urge his objection thereto, if any, the charges incurred shall be divided between [1] (the State Government) and the landholder in proportion to the extent of land belonging [2] (to the Government) which is registered as

[1] The words " the Provincial Government " were substituted for the words " the Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] The words " to the Crown " were substituted for the words " to Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by *ibid.*

entitled to irrigation from the work and the extent of land belonging to the landholder for which he is entitled free of separate charge to irrigation from the work. The portion due by the landholder shall be recoverable as an arrear of land revenue.

(2) Nothing in sub-section (1) shall apply to irrigation works belonging to the [1] (Government) which the [1] (Government) [2] (is) bound to maintain, and from which the landholder is entitled to a supply of water free of charge.

(3) A landholder who is dissatisfied with an order of the District Collector under this section may sue in a Civil Court to have it set aside or modified on either of the following grounds :—

(*a*) that he is under no obligation to repair the irrigation work concerned ;

(*b*) that the proportion of the charge which he is liable to pay under sub-section (1) has been wrongly calculated.

If the order is set aside or modified, the Court shall direct the refund of any amount found to have been improperly levied.

Irrigation works serving more than one estate.

143. (1) The provisions of this Chapter shall apply, so far as may be, to an irrigation work serving more than one estate.

(2) Where an irrigation work serves more than one estate the [3] (State Government) may make rules for—

(*a*) regulating the procedure to be adopted ;

(*b*) determining and adjusting the rights and liabilities of the landholders and the ryots concerned ; and

(*c*) providing for the recovery of the cost of carrying out the repairs.

Bar on jurisdiction of civil courts.

144. No Civil Court shall issue an injunction or save as provided under section 142 entertain a suit regarding the proceedings of a District Collector or Revenue Divisional Officer under this Chapter.

CHAPTER IX.

Subdivision and Transfer of Holdings and Estates.

Recognition of transfer or devolution of holding or portion of a holding.

[4] [**145.** (1) Whenever a holding or any portion thereof is transferred or whenever the same devolves by operation of

[1] The word " Crown " was substituted for the word " Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

[2] This word was substituted for the word " are " by the Adaptation Order of 1937.

[3] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[4] Section 145 was substituted for the original sections 145 and 146 by section 78 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

law, the landholder shall, subject to the provisions of this section, be bound to recognize such transfer or devolution and enter into a fresh engagement or engagements as hereinafter provided.

(2) Where a holding or any portion thereof is transferred by the act of a ryot, the landholder on receiving notice thereof in writing from the transferor and the transferee shall recognize the transfer.

Any person presenting for registration any document transferring a holding or any portion thereof shall present therewith a notice in writing signed by the transferor and transferee, and addressed to the landholder asking for recognition of the transfer, and shall also pay to the registering officer such fee as the [1] (State Government) may prescribe for the transmission of such notice to the landholder. The landholder shall recognize the transfer on receipt of the said notice.

(3) Where there is a binding adjudication as to the fact and validity of a transfer of a holding or any portion thereof in any proceeding before a Civil or Revenue Court to which both the transferor and the transferee are parties, the landholder shall, on the production of a certified copy of the judgment, decree or order in such proceeding, be bound to recognize such transfer.

(4) Where a holding or any portion thereof is transferred in pursuance of a decree or order of a Civil Court, or by a sale for arrears of rent, or for arrears of Government revenue, or for any demand recoverable as arrears of Government revenue or as arrears of rent, such transfer shall be recognized by the landholder on production of a certified copy of the decree or order establishing the transfer, or in cases in which the transfer is effected by sale under the order of any Court or public officer, on production of the sale certificate or a certified copy thereof.

(5) Where a holding or any portion thereof devolves by operation of law, the landholder on receiving notice thereof in writing from the person on whom the holding has devolved shall recognize the devolution.

(6) (*a*) Where either the transferor or the transferee fails to join the other in applying to the landholder for recognition of the transfer, the transferee or the transferor, or where any dispute arises as to the person or persons on whom the holding or portion thereof has devolved, any person

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

claiming by devolution the holding or portion, may apply to the Collector for an order certifying the transfer or the devolution as the case may be.

(*b*) The Collector, after giving notice to the transferor or transferee or other person interested and after making such inquiry as he thinks fit as to the fact and validity of the transfer or as to the person or persons on whom the holding or portion has devolved, may pass an order certifying the transfer or devolution as the case may be. On production of a certified copy of such order the landholder shall be bound to recognize the transfer or the devolution.

(*c*) Nothing in this sub-section shall bar any suit in a Civil Court for establishing or setting aside any transfer or for enforcing any claim based on a devolution by operation of law.

(7) Where the landholder has recognized the transfer or devolution of any holding or portion thereof under the foregoing provisions of this section—

(i) in case the transfer or devolution is of the entire holding, the landholder shall be bound to enter into a separate engagement with the transferee or the person on whom the holding devolves, or if there is more than one such transferee or person, into a joint engagement with such transferees or persons ;

(ii) in case the transfer or devolution is of a portion of the holding and the portion is not defined by metes and bounds, the landholder shall be bound to enter into a joint engagement with the transferor and the transferee and the other co-sharers, if any, or with the person or persons on whom the portion of the holding devolves and the other co-sharers, if any :

Provided that if the transferor has ceased to possess any interest in the holding, his name may with his consent be omitted from such engagement ;

(iii) in case the transfer or devolution is of a portion of the holding and the portion is defined by metes and bounds the landholder shall be bound to enter into separate engagements with the holders of the subdivisions :

Provided that the landholder shall not be bound to enter into such engagements unless each of the subdivisions conforms to the rules made by the [1][State Government] in that behalf.

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[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(8) In any case falling under the proviso to clause (iii) of sub-section (7), where the landholder does not enter into separate engagements with the holders of the subdivisions he shall be bound to enter into an engagement with them jointly.

(9) The distribution of rent between the subdivisions referred to in clause (iii) of sub-section (7) shall be made in the first instance by the landholder.

If the distribution of rents be delayed for over six months or is not assented to by any of the parties concerned, the Collector shall on application by any such party make such distribution and the same shall be binding on the landholder and on all the other parties concerned.

(10) The transfer of a holding or the recognition thereof by the landholder shall in no way affect the charge on the holding or the lands comprised therein for the rent which accrued due thereon prior to the date of the transfer or its or their liability therefor.

(11) The provisions of this section shall apply to the partition of a holding among the co-sharers as if it were a transfer.]

[1][**146.** * * *].

147. (1) All acts and proceedings commenced or had under this Act against the transferor or the co-sharers [2][prior to— Proceedings against transferor or co-sharer prior to notice to be valid against transferee or co-sharer.

(*a*) the giving of the notice under sub-section (2) of section 145, or

(*b*) the production of the certified copy of the judgment, decree or order under sub-section (3) of that section, or

(*c*) the production of the certified copy of the decree or order or the sale certificate or certified copy thereof under sub-section (4) of that section, or

(*d*) the production of a certified copy of the order under sub-section (6) of that section

in so far as] such acts and proceedings affect or purport to affect the land on which the arrear is due, the crops growing thereon and the products gathered therefrom, shall as against the transferee or co-sharer be as valid and effectual as if such acts and proceedings had been commenced or had against

[1] Section 145 was substituted for the original sections 145 and 146 by section 78 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words, figures and letters were substituted for the words and figures " prior to the giving of notice under section 146 or prior to the production of such copy of the decree or order or certificate of sale under section 146 in so far as " by section 79 (i), *ibid.*

the transferee or co-sharer himself, and he had been the defaulter.

(2) [1] [Any notice required under section 145 may also be served] in the manner provided by sub-section (2) of section 78.

(3) The transferor or co-sharer shall not, until notice is given in writing as aforesaid [2][or until the document referred to in clause (*b*), (*c*) or (*d*) of sub-section (1), as the case may be, is produced] by reason only of the transfer or division, cease to be subject to any of the liabilities attaching to him as a ryot.

Notice of transfer or partition by landholder and transferee or co-sharer.

148. When any landholder transfers the whole or a portion of his estate or land, or when any estate or land is partitioned among co-sharers, the landholder and the transferee or the co-sharer, as the case may be, shall give notice of such transfer or partition, by publication in the District Gazette and in such other manner as the [3][State Government] may by rule direct, to the ryots as the case may be in occupation of the land transferred or partitioned, and, unless and until such notice is given, no ryot shall be liable to the transferee or co-sharer for any rent which became due after the transfer or partition and was paid to the landholder before notice of such transfer or partition was given to the ryot, and all proceedings against the landholder taken by any of the ryots to whom no such notice was given shall be as effectual and binding on the transferee or co-sharer as if they had been taken in the first instance against the transferee or co-sharer himself.

CHAPTER X.

Relinquishment and Ejectment.

Relinquishment of holding by ryot.

149. (1) Every ryot [4][* * * * * *] may, with effect from the end of any revenue year, relinquish [5] [by a notice in writing signed by him] his holding or any part thereof, not being less than a revenue field, provided that

[1] These words and figures were substituted for the words and figures "The notice required under section 146 shall be served" by section 79 (ii) of the Madras Estates Land Amendment Act, 1934 (Madras Act VIII of 1934).

[2] These words, letters and figures were inserted by section 79 (iii), *ibid.*

[3] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[4] The words "other than a ryot of old waste bound by a lease or other written agreement for a fixed period" were omitted by section 80 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[5] These words were inserted by section 80 (ii), *ibid.*

the portion relinquished is accessible, and provided that the apportionment of the rent on the part retained shall be made by the landholder subject to revision by the Collector on application by the ryot. The portion retained shall be treated as a new holding and a fresh [1][patta] and [1][muchilika] shall be exchanged in respect of the same for the revenue year next succeeding that in which notice of relinquishment is given.

(2) A ryot who so relinquishes his holding or part of his holding shall be liable at the suit of the landholder before the Collector to indemnify him against any loss of rent on the holding or the part thereof for the revenue year next following the date of the relinquishment, unless the ryot gives to the landholder on or before the first day of April notice of his intention to relinquish.

Application to Collector for service of notice.

150. (1) If the landholder refuses to receive any notice under sub-section (2) of section 149, the ryot may, not later than the fifteenth day of April, make an application to [2][the Collector] who shall thereupon cause the notice to be served on such landholder, the ryot paying the costs of service.

(2) Every such notice shall be deemed to have been received at the time it was first tendered.

Suit for ejectment.

151. [3](1) A landholder may institute a suit before the Collector to eject [4][a ryot] from his holding only on the ground that the ryot has materially impaired the value of the holding for agricultural purposes and rendered it substantially unfit for such purposes.

(2) Notwithstanding anything contained in this section a landholder may sue before the Collector for compensation in addition to, or in lieu of, ejectment; or for an injunction, or for the repair of the damage or waste, with or without compensation.

Decree where damage is repairable or pecuniary compensation would be adequate relief.

152. If in any suit under the preceding section [4][a ryot] is found liable to ejectment, but it appears that the damage to the holding admits of being repaired, or that pecuniary compensation would afford adequate relief, the decree shall provide that, if within one month from the date thereof or such further time as the Collector for reasons to be recorded

[1] The words "patta" and "muchilika" were substituted respectively for the words "puttah" and "muchalka" by section 2, of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were substituted for the words "a Revenue officer" by section 3 (2), *ibid.*

[3] See also the Madras Estates Land (Temporary Amendment) Act, 1944 (Madras Act I of 1944), re-enacted permanently with specified modifications by section 3 of, and the Second Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948)

[4] These words were substituted for the words "an occupancy ryot" by section 81 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

may allow, the ryot does not repair the damage or pay as compensation a sum which shall be fixed by the Collector and specified in the decree, he shall be ejected.

[1] [**153.** * * *]

[1] [**154.** * * *]

Right of ejected ryot in respect of crops and land prepared for sowing.

155. The following rules shall be applicable in the case of every ryot ejected from a holding :—

(1) When the ryot has, before the date of his ejectment, sown or planted crops in any land comprised in the holding, he shall be entitled, at the option of the landholder, either to retain possession of that land and to use it for the purpose of tending and gathering in the crops, or to receive from the landholder the estimated value of the labour and capital expended by the ryot in preparing the land and sowing, planting and tending the crops, together with reasonable interest thereon.

(2) When the ryot has, before the date of his ejectment, prepared for sowing any land comprised in his holding, but has not sown or planted crops on that land, he shall be entitled to receive from the landholder the estimated value of the labour and capital expended by him in so preparing the land, together with reasonable interest thereon :

Provided that a ryot shall not be entitled to retain possession of any land or receive any sum in respect thereof under this section when, after the commencement of proceedings by the landholder for his ejectment, he has cultivated or prepared the land contrary to local usage :

Provided also that the rent, if any, payable to the landholder by the ryot at the time of ejectment may be set off against any sums payable to the ryot under this section.

Payment by ryot for occupation of land under preceding section.

156. When a landholder elects, under clause (1) of the last foregoing section, to allow a ryot to retain possession of any land for the purpose specified in that clause, the ryot shall pay to the landholder, for the use and occupation of the land during the period for which he is allowed to retain possession of the same, rent at the rate at which the ryot was holding.

[2] [**157.** * * *]

Eviction of tenant under Collector's warrant.

Eviction of Tenants [3][*and Ejectment of Trespassers*].

158. When any tenant of private land in an estate shall be in arrear at the end of a revenue year and when there is no sufficient distress upon the premises to satisfy the arrear,

[1] Sections 153 and 154 were omitted by section 82 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] Section 157 was omitted by section 83, *ibid.*

[3] These words were inserted by section 84, *ibid.*

the landholder or his authorized agent may apply to the Collector for a warrant authorizing him to enter upon and take possession of the premises. Such warrant shall be granted upon the production of a written statement of the person applying for the warrant, which statement shall contain the name of the defaulter, the description and extent of the premises, the amount due for arrears, interest and costs of distraint, if any, and the date at which the arrear fell due, and also a declaration that there is no sufficient distress upon the premises. Such statement shall be filed in the office from which the warrant issues.

Contents of warrant.

159. The warrant shall state the defaulter's name, the whole amount due and the description and extent of the premises, and shall set forth that, unless payment is made within fifteen days the defaulter will be turned out of possession. The Collector may, for special reasons, extend the period of fifteen days mentioned in this section.

Execution of warrant.

160. The warrant shall be entrusted to an officer of police, who shall serve it after the manner laid down in sub-section (2) of section 78. If within fifteen days after service, or within the period extended by the Collector under the last foregoing section, the amount named in the warrant is not discharged and [1][if no application has been made by the defaulter to the Collector] to set aside the warrant, or if [1][such application] has been decided against the defaulter, the police officer shall place the landholder in possession.

Determination of tenancy.

161. Where possession has been delivered under the last preceding section, the defaulter may file a suit in a Civil Court within three months from the date of delivery for an order to set aside the proceedings and to restore him to possession, and subject to the result of such suit, if any, the defaulter's right and interest in the premises shall cease and determine.

Saving clause.

162. Nothing in sections 158 and 161 shall apply to any land in which the tenant has a saleable interest.

Rates of rent and damages payable for unauthorized occupation of ryoti land.

[2][**163.** A person who unauthorizedly occupies for agricultural purposes ryoti land which at the time of the occupation is not held by any ryot, shall be liable to pay for each revenue year or portion thereof the rent fixed for that land or, if no rent has been fixed, such sum as the Collector may, on application, determine to be fair and equitable.

[1] The words "if no application has been made by the defaulter to the Collector" were substituted for the words "if no suit has been filed by the defaulter before the Collector" and the words "such application" were substituted for the words "such suit" by section 35 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] Sections 163 and 163-A were substituted for the original section 163 by section 36, *ibid.*

(Chapter X.—Relinquishment and Ejectment. Chapter XI.—Survey, Record-of-Rights and Settlement of Rents.)

He shall also be liable to pay, as damages for the unauthorized occupation, such sum not exceeding one year's rent as so fixed or determined, as the Collector may on application award, and the landholder may recover all sums due under this section as if they were arrears of rent.]

Ejectment of trespasser.

[1] [**163-A.** (1) (*a*) Any person who otherwise than by inheritance or legal transfer occupies ryoti land in an estate and has not been admitted as a ryot by the landholder or is not deemed to have been admitted as a ryot under the provisions of [2][Explanation [3]] to sub-section (1) of section 6 shall be liable to ejectment as a trespasser by suit in a Civil Court.

(*b*) Such suit shall be instituted within twelve years from the date of commencement of the occupation.

(*c*) It shall not be open to the defendant in such suit to set up the plea that he has, since the institution of the suit, acquired the status of a ryot by virtue of the Explanation to clause (15) of section[3].

(2) In any suit for ejectment under this section, the landholder shall also be entitled to mesne profits and damages for unauthorized occupation which shall be assessed at the rates fixed under section 163 or if there are no such rates, at the rates which the Court may determine in accordance with the provision contained in section 163 :

Provided that where the landholder has received rent for any year, he shall not be entitled to any further damages for unauthorized occupation for that year.]

CHAPTER XI.

Survey, Record-of-Rights and Settlement of Rents.

Power of State Government to order survey and record-of-rights.

164. (1) The [3][State Government] may make an order directing that a survey be made and a record-of-rights be prepared by [4][the Collector] in respect of an estate or portion of an estate, in the following cases, namely :—

(*a*) where—

(i) the landholder or ryots, or

(ii) not less than one-half of the total number of landholders, or

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[1] Sections 163 and 163-A were substituted for the original section 163 by section 86 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934.)

[2] The word, figure and brackets were substituted for the word, figure and brackets " Explanation (2) " by section 7 of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

[3] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[4] These words were substituted for the words " a Revenue Officer " by section 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

(iii) a landholder or a proportion of the landholders whose interest or the aggregate of whose interests, respectively, in the estate or portion thereof is not less in value than one-half of the total shares of all the landholders therein, or

(iv) not less than one-fourth of the total number of ryots—

applies or apply for such an order, depositing or giving security for such amount for the payment of expenses as the [1][State Government] direct ;

(*b*) where in the opinion of the [1][State Government] the preparation of such a record is required to secure either the ryots generally or the landholder of an estate or portion of an estate in the enjoyment as such of their or his legal rights or is calculated to settle or avert a serious dispute existing or likely to arise between the ryots generally and their landholder ; or

(*c*) where the estate is an estate managed [2][on behalf of the Government] or is under the superintendence of the Court of Wards.

(2) A notification in the official Gazette of an order under this section shall be conclusive evidence that the order has been duly made.

Madras Act VIII of 1923.

[3][(3) The survey shall be made under the Madras Survey and Boundaries Act, 1923, and the record-of-rights shall be prepared in accordance with the rules prescribed by the [1][State Government] and may, if the [1][State Government] so direct, include—

(*a*) a record of all rights and obligations of each ryot and landholder in respect of—

(i) the use by the ryots of water for agricultural purposes whether obtained from a tank, well or any other source of supply ; and

(ii) the repair and maintenance of works for securing a supply of water for the cultivation of the land held by each ryot whether or not such works be situated within the boundaries of such land ; and

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "on behalf of the Crown" were substituted for the words "by the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

[3] Sub-sections (3) and (4) were substituted for the original sub-section (3) by section 87 (1) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

(*b*) a record of any special rights which by law or by custom, the ryots may have in the waste land of the estate.

(4) Certified copies of the survey plan, survey land register and field measurement sheets relating to any village or the area therein which has been surveyed shall be furni hed to the karnam of the village and shall be available for inspection by the ryots thereof.]

[1][*Explanation.*—In the case of an estate already surveyed which or a portion of which is taken up for the preparation of a record-of-rights under this section the survey required by this section may be limited to what is necessary for the preparation of a record-of-rights.]

Particulars to be recorded.

165. When an order is made under the last foregoing section, the particulars to be recorded shall be specified in the order and shall include, either without or in addition to other particulars, some or all of the following, namely :—

(*a*) the name of each ryot's landholder and of each landholder in the estate or portion thereof;

(*b*) the name of the ryot, [2][* * * * *] or where there is no ryot, the name of the occupant ;

(*c*) the situation, extent and one or more of the boundaries of the land held by the ryot, as shown in the survey map of the village ;

(*d*) whether the land is irrigated, unirrigated, or garden land and, if irrigated, whether double or single crop ;

(*e*) the rent lawfully payable at the time the record is being prepared and whether the ryot is entitled to the benefit of proviso (*a*) to clause (i) of section 30 ;

(*f*) how the rent has been fixed, whether by decree or under the provisions of this Act or otherwise ;

(*g*) any rights lawfully incident to the holding ;

(*h*) if the rent is gradually increasing rent, the times at which and steps by which it increases ;

(*i*) if the land is claimed to be held free of rent, whether rent is actually paid or not ; and when rent is not paid, whether the occupant is entitled to hold the land without such payment and if so entitled, on what authority ; and the rent payable, if the land were liable to rent ;

(*j*) the record of irrigation rights ordered under sub-section (3) of section 164 [3][and the record of special rights in the waste land ordered under the same sub-section].

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[1] The Explanation was added by section 87 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words " and whether the ryot is an occupancy or a non-occupancy ryot " were omitted by section 88, *ibid.*

[3] These words were added by section 88 (ii), *ibid.*

(Chapter XI.—Survey, Record-of-Rights and Settlement of Rents.)

Publication of preliminary record and entertainment of objections thereto.

166. (1) When the [1][Collector] has, after making such inquiry as he sees fit, completed a preliminary record for the estate or part of the estate, he shall publish a draft thereof in the prescribed manner and for the prescribed period, and shall receive and consider any objection to any entry therein or to any omission therefrom, which may be made during the period of publication.

Publication of final record.

(2) When such objections have been considered and disposed of according to such rules as the [2][State Government] shall prescribe, the [3][Collector] shall finally frame the record, and shall cause it to be locally published in the prescribed manner, and the publication shall be conclusive evidence that the record has been duly made under this Chapter.

[4][(2-A) The Collector shall, along with the final record, cause to be published the name or official designation of the person to whom and the date on or before which the [2][State Government] direct that applications for settlement of rent under sub-section (1) of section 168 should be made.

Any date fixed by the [2][State Government] under this sub-section shall not be earlier than six months from the date of publication of the final record.

(2-B) A certified copy of the final record-of-rights relating to any village or the area therein for which such record-of-rights has been prepared as well as of all amendments thereto made under the provisions of this Chapter shall be furnished to the karnam of such village and shall be available for inspection by the ryots thereof.]

(3) Separate draft or final records may be published [5][and separate dates fixed] under this section for different portions of the estate.

Presumption as to final publication and correctness of record-of-rights.

167. (1) In any suit or other proceeding in which a record-of-rights prepared and published under this Chapter or a duly certified copy thereof or extract therefrom is produced, such record-of-rights shall be presumed to have been finally published, unless this is expressly denied, and a certificate signed [6][by the Collector or by the District Collector] of any district

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[1] This word was substituted for the words " Officer preparing the record of rights " by section 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] This word was substituted for the words " Officer aforesaid " by section 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[4] Sub-sections (2-A) and (2-B) were inserted by section 89 (i), *ibid.*

[5] These words were inserted by section 89 (ii), *ibid.*

[6] These words were substituted for the words " by the Revenue officer or by the Collector " by section 3 (2), *ibid.*

in which the estate or part thereof to which the record-of-rights relates is wholly or partly situate, stating that a record-of-rights has been finally published under this Chapter, shall be conclusive evidence of such publication.

(2) The [1][State Government] may, by notification, declare with regard to any estate or portion of an estate that a record-of-rights has been finally published for every village included therein and such notification shall be conclusive evidence of such publication.

(3) Every entry in a record-of-rights so published shall be evidence of the matter referred to in such entry, and shall be presumed to be correct until the contrary is proved.

Settlement of rents.

168. (1) [2][If on or before the date fixed under sub-section (2-A) of section 166 in respect of any village or any area for which a record-of-rights is published where such area is less than a village or within such further period, if any, as the [1][State Government] may, [3][* * *] from time to time, think fit to allow] either the landholder or the ryots apply for a settlement of the rent, provided that in the case of ryots the application is made by [4][holders of not less than one-eighth] of the total extent of the [5][holdings in such village or area], the [6][Collector] shall, if the [1][State] Government so direct, settle a fair and equitable rent in respect of the [1]and [7][situated in such village or area].

Explanation.—A landholder may apply for a settlement of rent notwithstanding that his estate or part thereof has been temporarily leased.

[8][(1-A) Notwithstanding anything contained in sub-section (1), the [1][State Government] may at any time direct the Collector to settle a fair and equitable rent in respect

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[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] These words and figures were substituted for the words and figures " If within two months from the date of final publication of the record-of rights under sub-section (2) of section 166 " by section 90 (1) (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] The words " in their discretion " were omitted by the Adaptation Order of 1937.

[4] These words were substituted for the words " holders of not less than one-fourth " by section 90 (1) (ii) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[5] These words were substituted for the words " holding in the village " by section 90 (1) (iii) *ibid.*

[6] This word was substituted for the words " Revenue Officer " by section 3 (1), *ibid.*

[7] These words were added by section 90 (1) (iv), *ibid.*

[8] This sub-section was inserted by section 90 (2), *ibid.*

of the land situated in any village or area for which a final record-of-rights has been published separately under section 166.]

(2) In settling rents under this section, the [1][Collector] shall presume until the contrary is proved that the existing rent or rate of rent is fair and equitable and shall have regard to the provisions of this Act for determining the rates of rent payable by a ryot.

(3) The [2][Collector] may in any case under this section propose to the parties such rent or rate of rent as he considers fair and equitable; and the rent so proposed, if accepted orally or in writing by the parties, may be recorded as the fair and equitable rent and shall be deemed to have been duly settled under this Act.

(4) Where the parties agree among themselves, by compromise or otherwise, as to the amount of the rent, the [2][Collector] shall satisfy himself that the amount agreed upon is fair and equitable, and if so satisfied, but not otherwise, he shall record the amount so agreed upon as the fair and equitable rent. If not so satisfied, he shall himself settle a fair and equitable rent as provided in sub-sections (2) and (3).

Preliminary publication and amendment of settlement record.

169. (1) When a settlement has been completed under section 168, the [2][Collector] shall cause a record thereof to be made showing the name of the landholder and the ryot, the extent of the holding and such other particulars as the [3][State Government] may direct and the amount of the rent settled therefor and shall cause a copy thereof to be published in the prescribed manner and for the prescribed period, and shall receive and consider any objections made to any entry in such record or omission therefrom, during the period of publication, and shall dispose of such objections according to such rules as the [3][State Government] may prescribe.

(2) The [2][Collector] may, of his own motion or on the application of any party aggrieved, at any time before the settlement record is submitted to the confirming authority under section 170, revise any rent entered therein :

Provided that no such entry shall be revised until reasonable notice has been given to the parties concerned to appear and be heard in the matter.

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[1] This word was substituted for the word "officer" by sect'ion 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This word was substituted for the words "Revenue officer" by section 3 (1) *ibid.*

[3] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Chapter XI.—Survey, Record-of-Rights and Settlement of Rents.)

Final revision of settlement record and incorporation of the same in record-of-rights.

170. (1) When all objections have been disposed of under section 169, the [1][Collector] shall submit the settlement record to the confirming authority appointed by the [2][State Government] with a full statement of the grounds of his proposals and a summary of the objections (if any) which he has received.

(2) The confirming authority may sanction the settlement with or without amendment, or may return it for revision. [3][The confirming authority shall have power to modify any order passed by the Collector on any objection made under section 169 :]

Provided that no entry shall be amended, or omission supplied until reasonable notice has been given to the parties concerned to appear and be heard in the matter.

(3) After it has been sanctioned by the confirming authority, the settlement record shall be incorporated in the record-of-rights published under sub-section (2) of section 166, and the record-of-rights as so amended shall be finally republished in the prescribed manner and such publication shall be conclusive evidence that the record has been duly made.

Appeal to superior Revenue author

[4][**171.** An appeal, if presented within three months from the date of the final republication of the record-of-rights under sub-section (3) of section 170, shall lie from every order passed by a Collector on any objection made under section 169, with such modification, if any, as may be made therein by the confirming authority under sub-section (2) of section 170 and such appeal shall lie to such superior Revenue authority as the [2][State Government] may, by rule, prescribe or to an officer specially empowered by the [2][State Government] in this behalf.]

Revision by Board of Revenue.

[5][**172.** The Board of Revenue may, in any case on application or of its own motion, direct the revision of any record-of-rights, or any portion of a record-of-rights, at any time within two years from the date of the final publication under sub-section (2) of section 166, or if there has been a settlement of rent under section 168, within two years from the date of republication under sub-section (3) of section 170, but not so as to affect any order passed by a Civil Court under section 173 :

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[1] This word was substituted for the words " Revenue officer " by section (1) of the Madras Estates Lands (Amendment) Act, (1934 Madras Act VIII of 1934).

[2] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for " Provincial " by the Adaptation Order of 1950.

[3] This sentence was added by section 91, of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[4] This section was substituted for the original section 171 by section 92, *ibid.*

[5] This section was substituted for the original section 172 by section 93, *ibid.*

Provided that no such direction shall be made until reasonable opportunity has been given to the parties concerned to appear and be heard in the matter.

Explanation.—"The Board of Revenue" in this section shall mean the collective Board if one member of the Board has already heard an appeal under section 171.]

Entries in settlement record when open to question by civil suit.

173. (1) Any person aggrieved by an entry in a settlement record prepared under sections 168 to 171 and incorporated in a record-of-rights finally published under sub-section (3) of section 170 or by an omission to settle a rent, may institute a suit in the Civil Court [1][for the relief he claims].

(2) Such suit must be instituted within six months from the date of the final publication of the record-of-rights under sub-section (3) of section 170, or, if an appeal has been presented to a Revenue authority under section 171, then within six months from the date of the disposal of such appeal.

(3) Such suit may be instituted on any of the following grounds, and on no others, namely :—

(*a*) that the relation of landholder and ryot does or does not exist ;

(*b*) that the land is not liable to the payment of rent ;

(*c*) that the land, although entered in the record-of-rights as being held rent-free, is liable to the payment of rent ;

(*d*) that any entry made under clauses (*d*), (*e*) and (*j*) of section 165 is incorrect ;

(*e*) that special conditions in respect of holding at a favourable rate have been wrongly recorded or omitted ;

(*f*) that the [2][Collector] has wrongly fixed the date from which the operation of the settled rent under the provisions of section 177 should take effect.

The [3][Government] shall not be made a defendant in any such suit.

[4][* * *]

[4][(4) The Court shall notify its decree to the District Collector].

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[1] These words were substituted for the words "which would have jurisdiction to entertain a suit for the possession of the land to which the entry relates or in respect of which the omission was made" by section 94 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This word was substituted for the words "Revenue officer" by section 3 (1), *ibid.*

[3] The word 'Crown' was substituted for the words "Secretary of State for India in Council" by the Adaptation Order of 1937 and the word "Government" was substituted for 'Crown' by the Adaptation Order of 1950.

[4] Original sub-section (4) was omitted and original sub-section (5) was renumbered as sub-section (4) by section 94 (ii) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934) ; and for sub-section (4) as so renumbered, this sub-section was substituted by section 94 (iii), *ibid.*

(Chapter XI.—Survey, Record-of-Rights and Settlement of Rents.)

Entry of note of decisions under sections 171 and 173 in record-of-rights.

174. A note of all decisions on appeal under section 171 and of all [1][* * * *] decrees of a Civil Court notified to the [2][District] Collector under [3][sub-section (4)] of section 173 shall be made in the record-of-rights with which the settlement record has been incorporated under section 170 and such note shall be considered as part of the record.

Correction of clerical and accidental mistakes.

[4][**175.** Any Collector specially empowered by the [5][State Government] in this behalf may, on application or of his own motion, correct a clerical or arithmetical mistake in any record-of-rights or any error arising therein from any accidental slip or omission :

Provided that no such correction shall be made until reasonable notice has been given to the parties concerned to appear and be heard in the matter.]

Presumption as to correctness of rents settled under sections 168 to 170.

[6][**176.** Subject to the provisions of sections 171 to 175, all rents settled under sections 168 to 170 and entered in a record-of-rights finally published under sub-section (3) of section 170, shall be deemed to have been correctly settled and to be fair and equitable rent within the meaning of this Act.]

Time from which settlement of rent is to take effect and limitation of period of enhancement.

177. When any rent is settled under this Chapter the settlement shall take effect from the beginning of the revenue year next after the date of [7] [the sanction by the confirming authority under sub-section (2) of section 170] and shall not thereafter be enhanced for a period of twenty years except on the grounds specified in clauses (ii) and (iii) of section 30 or of a subsequent alteration in the area of the holding nor reduced within the said period save on the ground of alteration in the area of the holding or on the ground specified in clauses (*a*) and (*b*) of sub-section (1) of section 38 :

[8] [Provided that the settlement shall take effect in respect of all holdings in a single village or where the area in respect of which the settlement is effected is less than a village in respect of all holdings in such area in the same revenue year :

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[1] The words " orders or " were omitted by section 95 of the Madras Estates Land (Amendments) Act, 1934 (Madra Act VIII of 1934).

[2] This word was inserted by *ibid.*

[3] The word, figure and brackets were substituted for the word, figure and brackets " sub-section (5) " by *ibid.*

[4] This section was substituted for the original section 175 by section 96, *ibid.*

[5] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[6] This section was substituted for the original section 176 by section 97 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[7] The words, figures and brackets were substituted for the words " the final order or decision fixing the rent " by section 98 (1), *ibid.*

[8] The provisos to section 177 were added by section 98 (2), *ibid.*

Provided further that nothing in this section shall be deemed to apply to an enhancement or reduction of rent ordered under sections 171, 172, 173 or 175.]

Stay of proceedings during preparation of record-of-rights.

178. (1) When an application has been made under section 168, no [1][suit, application or proceeding] shall be commenced or continued in any Civil or Revenue Court under sections 30, 38 and 40 until after the final publication of the record-of-rights under sub-section (3) of section 170.

(2) When an order has been made under section 164 directing the preparation of a record-of-rights, no Civil or Revenue Court shall entertain or proceed with any suit or application for the alteration of the rent in the area to which the record-of-rights applies until after the final publication of such record-of-rights.

Limitation of jurisdiction of Civil Courts in matters other than rent relating to the record-of-rights.

179. No suit shall be brought in any Civil Court in respect of any order directing the preparation of a record-of-rights under this Chapter, or in respect of the framing, publication, signing or attestation of such a record or of any part of it, or, save as provided in section 173, for the alteration of any entry in such a record of a rent settled under sections 168 to 172 :

Provided that any person who is dissatisfied with any entry in, or omission from, a record-of-rights framed in pursuance of an order made under sub-section (1) of section 164, which concerns [2][his right], may institute a suit for declaration of his right under Chapter VI of the Specific Relief Act, 1877.

Central Act I of 1877.

Apportionment of expenses.

180. (1) [3][* * * * *] [4][The expenses incurred in carrying out any of the provisions of this Chapter] in any estate or part thereof, or such portion of those expenses as the [5] [State Government] may direct, shall be defrayed by the landholder and ryots in the estate or part thereof and the holders of any land held on favourable terms within such estate if such land is included in the record-of-rights in such proportions as the [5] [State Government], having regard to all the circumstances, may determine ; and the proportion

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[1] These words were substituted for the words " suit or proceedings " by section 99 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These words were substituted for the words " a right of which he is in possession " by section 100, *ibid.*

[3] The words " When the preparation of a record-of-rights under this Chapter has been directed or undertaken " were omitted by section 101 (i), *ibid.*

[4] These words were substituted for the words " the expenses incurred by the Government in carrying out the provisions of this Chapter " by section 101 (ii), *ibid.*

[5] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

of those expenses so to be defrayed by any person shall be deemed to be land revenue and may be recovered as arrears of land revenue under the provisions of the Madras Revenue Recovery Act, 1864, or the Madras City Land Revenue (Amendment) Act, 1867, as the case may be. Madras Act II of 1864. Madras Act VI of 1867.

(2) The cost of the preparation of copies of survey maps and record-of-rights prepared under this Chapter for distribution to landholders and ryots shall be deemed to be part of the expenses incurred in carrying out the provisions of this Chapter.

CHAPTER XII.

LANDHOLDER'S PRIVATE LAND.

Conversion of private land into ryoti land.

[1][**181. A** landholder shall be at liberty to convert his private land into ryoti land and confer occupancy right in land so converted.]

Power to order survey and record of landholder's private land.

182. The [2][State Government] may make an order directing [3][the Collector] to make a survey and record of all the landholder's private land in a specified local area.

No order under this section shall be questioned in any Civil or Revenue Court.

Power to record private land on application of landholder or occupant.

183. (1) In the case of any land alleged to be a landholder's private land, on the application of the landholder or of any occupant and on his depositing the required amount for expenses, [3][the Collector] may, subject to rules made in this behalf by the [2][State Government], ascertain and record whether the land is or is not a landholder's private land.

(2) Notwithstanding anything contained in any agreement or compromise, [4][* * * *] [3][the Collector] shall not record any land as a landholder's private land, unless it is proved to be such by satisfactory evidence [5][* * * * *].

Procedure for recording private land.

184. When [3][the Collector] proceeds under either section 182 or section 183, the provisions of sections 166, 167, 179 and 180 shall, so far as may be, apply.

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[1] This section was substituted for the original section 181 by section 102 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words "Provincial Government" substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for Provincial by the Adaptation Order of 1950.

[3] These words were substituted for the words "a Revenue Officer" by section 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[4] The words "or in any decree which is proved to his satisfaction to have been obtained by collusion or fraud" were omitted by section 103, *ibid.*

[5] The words and figures "of the nature described in section 185" were omitted by *ibid.*

(Chapter XII.—Landholder's Private Land.)

Presumption that land in inam villages is not private land.

[1][185. When in any suit or proceeding it becomes necessary to determine whether any land is the landholder's private land, regard shall be had—

(1) to local custom,

(2) in the case of an estate within the meaning of sub-clauses (*a*), (*b*), (*c*) or (*e*) of clause (2) of section 3, to the question whether the land was before the first day of July 1898, specifically let as private land, and

(3) to any other evidence that may be produced:

Provided that the land shall be presumed not to be private land until the contrary is proved:

Provided further that in the case of an estate within the meaning of sub-clause (*d*) of clause (2) of section 3—

(i) any expression in a lease, patta or the like, executed or issued on or after the first day of July 1918, to the effect or implying that a tenant has no right of occupancy or that his right of occupancy is limited or restricted in any manner, shall not be admissible in evidence for the purpose of proving that the land concerned was private and at the commencement of the tenancy; and

(ii) any such expression in a lease, patta or the like, executed or issued before the first day of July 1918, shall not by itself be sufficient for the purpose of proving that the land concerned was private land at the commencement of the tenancy.]

Declaration of kudivaram interest of inamdar.

Mears Act XVIII of 1936.

[2][185-A. (1) In the case of an inam village which was not an estate before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, but became an estate by virtue of that Act, in respect of any land which does not fall under any of the categories referred to in paragraphs (i) to (iv) of sub-clause (*b*) of clause (10) of section 3 or under the category referred to in sub-section (4) or sub-section (5) of section 8, the landholder may [3][within three years] of the date of the commencement of the Madras Estates Land (Third Amendment) Act, 1936, lodge an application, in such manner as may be notified by the [4][State Government], for a declaration by a special Tribunal constituted as hereinafter provided, that the kudivaram in such land was vested in him on the 1st day of November 1933 and that he has retained it ever since.

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[1] This section was substituted for the original section 185 by section 8 of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

[2] Sections 185-A and 185-B were inserted by section 9, *ibid.*

[3] These words were substituted for the words "within two years" by section 2 of the Madras Estates Land (Amendment) Act, 1938 (Madras Act XII of 1938).

[4] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(2) (*a*) A special Tribunal or special Tribunals shall, from time to time, as occasion may arise be constituted to hear and dispose of applications of the nature specified in sub-section (1).

(*b*) Every such Tribunal shall consist of three members chosen by the [1][State Government] one of whom shall be a Judicial officer eligible for appointment as a Judge of the High Court; and another shall be an experienced Revenue officer. The [1][State Government] shall appoint one of the members of the Tribunal as the President thereof.

(*c*) Clauses (i) and (ii) of the second proviso to section 185 shall apply to proceedings under this section.

(*d*) Any order under this sub-section passed by a special Tribunal or by a majority of the members thereof shall be final and shall not be liable to be questioned in any court of law.

[2][(3) In the case of an estate within the meaning of sub-clause (*d*) of clause (2) of section 3 read with Explanation (1) to that sub-clause, the provisions of this section shall have effect as if for the expression "three years of the date of the commencement of the Madras Estates Land (Third Amendment) Act, 1936" in sub-section (1), the expression "one year of the date of the commencement of the Madras Estates Land (Amendment) Act, 1945" had been substituted : Madras Act XVIII of 1936. Madras Act II of 1945.

Provided that this sub-section shall not entitle a landholder to lodge an application under sub-section (1) read with this sub-section, if he had previously lodged an application in respect of the same land and such application was heard and disposed of on its merits by a special Tribunal.]

[3][(4) Any order (including an order for costs) passed by a special Tribunal, whether before or after the commencement of the Madras Estates Land (Second Amendment) Act, 1945, shall, on application by the party concerned, be executed by the Collector within whose jurisdiction the land to which the order relates is situated, as if it were an order passed by him in a suit under this Act : Madras Act XIV of 1945.

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[1] The words "Governor exercising his individual judgment" were substituted for the word "Governor" by the Adaptation Order of 1937 and the words "exercising his individual judgment" were omitted by the Adaptation Order of 1947 and the words "State Government" were substituted for the word "Governor" by the Adaptation (Amendment) Order of 1950.

[2] This sub-section was added by section 3 of the Madras Estates Land (Amendment) Act, 1945 (Madras Act II of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

[3] This sub-section was added by section 2 of the Madras Estates Land (Second Amendment) Act, 1945 (Madras Act XIV of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

Provided that in computing the period of limitation for any such application in respect of an order passed before the commencement of the Madras Estates Land (Second Amendment) Act, 1945, the period between the date on which the special Tribunal was dissolved and the date of such commencement shall be excluded.

Madras Act XIV of 1945.

Acquisition of occupancy right in lands in which kudivaram is declared to be inamdar.

[**185-B.** (1) Any land in respect of which the kudivaram is declared under section 185-A to have vested in the landholder on the first day of November 1933 and to have been retained by him ever since shall be ryoti land.

(2) In respect of any land referred to in sub-section (1) the landholder shall, on the application of the tenant and on the tender by him as compensation of an amount equal to the annual rent payable in respect of the land as may have been agreed to by the landholder together with the cost of preparing any instrument required for the purpose, confer upon the tenant a permanent right of occupancy in respect of the said land :

Provided that in the case of a dispute as to the amount payable as compensation, the tenant or the landholder may apply to the Collector to fix the same and the Collector may determine an amount equal to the annual rent payable in respect of the land as the amount payable as compensation.

(3) If a landholder to whom an application and tender have been made by a tenant fails for a period of one month to confer a permanent right of occupancy, the tenant may deposit the amount payable as compensation together with the cost of preparing any instrument required for the purpose in the Collector's office and apply to the Collector to confer on him a permanent right of occupancy in respect of that land.

(4) The Collector shall thereupon give notice of the application to the landholder and after hearing him if he appears and making such inquiry as he thinks necessary, may execute any instrument required for conferring a permanent right of occupancy upon the tenant in respect of the land and such execution shall have the same effect as an execution by the landholder.

(5) Notwithstanding anything contained in section 151 or in any other provisions of this Act, where the tenant—

(*a*) fails within a period of one year from the date of the declaration referred to in sub-section (1) to make an application and tender to the landholder under the first paragraph of sub-section (2), or

(*b*) in the case of a dispute as to the amount payable as compensation, fails to tender the amount fixed as com-

pensation by the Collector under the proviso to sub-section (2) within a period of one year from the date of such determination.

The tenant shall, on the application of the landholder to the Collector, be liable to be ejected:

Provided that in the event of an appeal to the District Collector regarding the amount of compensation, the period of one year referred to in clause (*b*) shall be computed from the date of the disposal of the appeal.]

CHAPTER XIII.

ACQUISITION BY LANDHOLDER OF LAND FOR BUILDING AND OTHER PURPOSES.

Acquisition by landholder of land for building and other purposes.

[1][**186.** (1) (*a*) If the District Collector on the application of a landholder, is satisfied after giving notice to the ryot or inamdar, as the case may be, and making such inquiry as he thinks fit, that the landholder is desirous of acquiring any land within the limits of his estate in the occupation of a ryot or an inamdar, for some reasonable and sufficient purpose having relation to the good of the holding, if any, of which such land forms part, or of the estate, including the use of the land as building ground or for any religious, educational, communal or charitable purpose or for the opening and working of mines or for the purpose of a tank or of supply, drainage, surplus or irrigation channels, he may grant a certificate to the landholder specifying the land and stating that the purpose for which the landholder desires to acquire it is reasonable and sufficient.

The District Collector's certificate with regard to the reasonableness and sufficiency of the purpose for which any land is required by the landholder shall be final and shall not be open to question in any Civil Court.

(*b*) The [2][State Government] may, on application by the landholder and on the production by him of a certificate of the District Collector under clause (*a*) in respect of any land subject to his depositing the probable cost of the acquisition as estimated by the District Collector and fulfilling such other conditions as may, by general or special order, be laid

[1] This section was substituted for the original section 186 by section 105 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

down by the [1][State Government] in this behalf, direct the District Collector to take order for the acquisition of the interest of the ryot or inamdar in such land under the Land Acquisition Act, 1894. Thereupon the provisions of that Act shall, subject to the modification specified in sub-section (2), apply as if such interest were land within the meaning of the said Act and the [1][State Governmet] had directed the District Collector to take order for the acquisition of the same under section 7 of the said Act.

Central Act I of 1894.

If the cost of the acquisition including all charges incidental thereto exceeds the amount deposited, the landholder shall pay such excess and if such cost is less than the amount deposited, the difference shall be refunded to him. The interest acquired shall be transferred to the landholder on payment by him, in full, of the cost of acquisition.

(2) Where the land has been acquired for the opening and working of mines and the ryot or inamdar has any right in the minerals, the compensation awarded to him shall include compensation for such right.]

CHAPTER XIV.

CONTRACT.

187. (1) Nothing in any contract between a landholder and a ryot made before or after the passing of this Act— Restrictions on contract.

(*a*) shall take away or limit the right of the ryot to make improvements in accordance with the provisions of this Act ;

(*b*) shall take away or limit the right of [2][a ryot] to use the land as provided by section 11 ;

(*c*) shall take away the right of [2][a ryot] to sue or apply for a reduction of rent on the grounds stated in clauses (*a*) and (*b*) of sub-section (1) of section 38 or [3][sub-section (3) of section 32] or except in the case of any subsisting lease for a fixed period made before the first day of January 1908 on the ground stated in clause (*c*) of sub-section (1) of section 38 ;

(*d*) shall take away the right of [2][a ryot] to apply for an alteration of rent under the provisions of section 42 ;

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were substituted for the words "an occupancy ryot" by section 106 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] These words and figures were substituted for the word and figures ', sub-section (2) of section 32" by section 106 (ii), *ibid.*

(*Chapter XIV.—Contract. Chapter XV.—Jur isdiction and Proceaure.*)

(*e*) shall take away the right of a landholder or [1][a ryot] to [2][apply for commutation of rent] under section 40 ;

(*f*) shall take away the right of [1][a ryot] to surrender his holding in accordance with section 149 ; or

(*g*) shall entitle a landholder to eject a ryot otherwise than in accordance with the provisions of this Act.

(2) Nothing in any contract between a landholder and a ryot made after the passing of this Act shall affect the provisions of section 61 relating to interest payable on arrears of rent so as to increase the amount of interest payable.

[3][**188.** * * *].

CHAPTER XV.

JURISDICTION AND PROCEDURE.

Suits and applications.

189. [4][(1) A District Collector or Collector hearing suits or applications of the nature specified in Parts A and B of the Schedule and the Board of Revenue or the District Collector exercising appellate or revisional jurisdiction therefrom shall hear and determine such suits or applications or exercise such jurisdiction as a Revenue Court.

No Civil Court in the exercise of its original jurisdiction shall take cognizance of any dispute or matter in respect of which such suit or application might be brought or made.]

Appeals.

(2) [5][Decrees and orders passed in the suits and applications referred to in sub-section (1)] shall be subject to appeal as provided in the sixth column of Parts A and B of the Schedule.

(3) The decision of a Revenue Court or of an appellate or revisional authority in any suit or proceeding under this Act on a matter falling within the exclusive jurisdiction of the Revenue Court shall be binding on the parties thereto and persons claiming under them, in any suit or proceeding in a Civil Court in which such matter may be in issue between them.

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[1] These words were substituted for the words "an occupancy ryot" by section 106 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934.)

[2] These words were substituted for the words "sue for commutation of rent" by section 106 (iii), *ibid.*

[3] Section 188 was omitted by section 107, *ibid.*

[4] This sub-section was substituted for the original sub-section (1) by section 108 (i), *ibid.*

[5] These words and figure were substituted for the words and figure "Decrees and orders passed under sub-section (1)" by section 108 (ii), *ibid.*

(*Chapter XV.—Jurisdiction and Procedure.*)

[1] [(4) The decision of a Civil Court on any matter falling within its jurisdiction shall be binding on the parties thereto and persons claiming under them in any suit or proceeding before a Revenue Court or an appellate or revisional authority in which such matter may be in issue between them.]

Second appeals.

[2] [**190.**] A second appeal shall lie to the Board of Revenue against the orders passed on appeal by a District Collector in the case of [3] [an application under section 15, section 25, sub-section (3) of section 32, [4] (* * *) or sub-section (2) of section 42.]

Limitation for appeals under sections 189 and 190.

191. The period of limitation for an appeal under sections 189 and 190 shall run from the date of the order or decree appealed against [5] [* * * *] and shall be as follows ; that is to say :—

(*a*) when the appeal lies to the District Court or District Collector—thirty days ;

(*b*) when the appeal lies to the Board of Revenue—sixty days.

Application of Code of Civil Procedure, 1908, to proceedings under Act.

[6] [**192.** (1) The [7] [State Government] may from time to time make rules consistent with this Act declaring that any provisions of the Code of Civil Procedure, 1908, shall not apply to suits, applications, appeals, or other proceedings under this Act in any Civil or Revenue Court or to any specified classes of such suits, applications, appeals or proceedings [8] [or to applications or other proceedings before the Tribunal constituted under section 185-A] or shall apply to them subject to modifications and additions specified in the rules.

Central Act V of 1908.

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[1] This sub-section was added by section 108 (iii) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] Sub-section (1) of section 190 was renumbered as section 190 and sub-section (2) was omitted by section 109 (1), *ibid.*

[3] These words and figures were substituted for the words and figures " an application under section 15 or a suit under section 40 " by section 109 (2), *ibid.*

[4] The word and figures " section 40 " were omitted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

[5] The words " excluding the time occupied in obtaining a copy of such order or decree " were omitted by section 110 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[6] This section was substituted for the original section 192 by section 111, *ibid.*

[7] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[8] These words, figures and letter were inserted by section 10 of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

(2) Subject to any rules so made and subject also to the other provisions of this Act and the following modifications and additions, the provisions of the Code of Civil Procedure, 1908, shall apply to all such suits, applications, appeals and proceedings so far as they are not inconsistent therewith :— Central Act V of 1908.

(*a*) (i) The plaint shall specify, in addition to the particulars mentioned in rule 1 of Order VII of the said Code, the name of the village in which the land to which the suit relates is situated, the designation, if any, of the land and a description of the land sufficient for its identification ;

(ii) Where the suit is for the recovery of rent due on land situated within an area in which a record-of-rights has been prepared and published, the plaint shall further contain a statement of the rent of the holding according to the record-of-rights :

Provided that if the Court sees fit at any time to require it, a copy of, or extract from, the record-of-rights relating to the holding shall be produced by the plaintiff, or shall, if necessary, on the requisition of the Court, be supplied by the Collector on payment by the plaintiff or the defendant as the Court may direct of such fee as the [1] [State Government] may by rule under this Act prescribe ;

(iii) If the suit is for arrears of rent the plaint shall contain a statement of account showing the instalments payable for the period to which the suit relates, the amount, if any, received, and the amount claimed to be due.

(*b*) No set-off whether legal or equitable shall be pleaded by way of defence to any suit under this Act.

(*c*) When any rent roll or collection or measurement papers have been produced by a landholder in any Court, in a suit, application or proceeding pending therein, copies of or extracts from such documents which have been certified by a duly authorized officer of such Court to be true copies or extracts, may be admitted in evidence in proof of the originals in any other suit, application or proceeding instituted in the same or another Court unless the Court in which such copies or extracts are produced sees fit to require the production of the originals.

(*d*) To the particulars not liable to attachment or sale under section 60 of the said Code shall be added ' manure stocked by an agriculturist.'

(*e*) Standing timber, growing crops or other products of the earth may be attached and sold in execution of a decree in the same manner as movable property, and if the property attached is growing crops or other products of the earth, the

[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

judgment-debtor and the decree-holder shall have the same rights in respect of the tending, gathering, and storing thereof as the cultivator and the distrainer, respectively, would have had under section 83 if such crops or products had been distrained for an arrear of rent.

(3) In any suit, application or proceeding under this Act to recover rent or to contest distraint or the right of sale of a holding, if a party admits that rent as claimed or part thereof is due but pleads that it is due not to the plaintiff or applicant or the defendant or respondent, as the case may be, but to a third person, or pleads that the provisions of this Act have not been complied with, the Court shall, except for special reasons to be recorded in writing, refuse to take cognizance of the plea unless the party aforesaid pays into Court the amount admitted to be due or such reasonable portion of the amount as the Court may direct.

(4) Where such a payment is made and the plea is that the rent to the extent admitted is not due to the plaintiff or applicant or the defendant or respondent, as the case may be, but to a third person, the Court shall forthwith cause notice of the payment to be served on the third person.

Unless the third person, within three months from the receipt of the notice, institutes a suit before the Civil Court against the plaintiff or applicant or the defendant or respondent and therein obtains an order restraining payment, the amount in deposit shall be paid out to the plaintiff or applicant or the defendant or respondent, as the case may be, on his application.

Nothing in this sub-section shall affect the right of any person to recover by suit in a Civil Court from the plaintiff or applicant or the defendant or respondent, as the case may be, any payment made to him under it.

(5) In any suit, application or proceeding under this Act to recover rent or to contest distraint or the right of sale of a holding, if a party admits that rent is due from him to the plaintiff or applicant or the defendant or respondent, as the case may be, but pleads that the amount claimed is in excess of the amount due, the Court shall, except for special reasons to be recorded in writing, refuse to take cognizance of the plea unless the party aforesaid pays into Court the amount so admitted to be due or such reasonable portion of the amount as the Court may direct.

(6) If any suit or application between landholder and ryot as such is adjusted wholly or in part by any lawful agreement or compromise, or if the defendant or respondent satisfies the plaintiff or applicant in respect to the whole or any part of the matter of the suit or application, the Court may pass

a decree or order in accordance with such agreement, compromise or satisfaction, so far as it relates to the suit or application, but may refuse to do so if, for reasons to be recorded, the Court considers such agreement, compromise or satisfaction, to be unfair and inequitable.

(7) A decree or order passed in accordance with any lawful agreement, compromise or satisfaction shall be final so far as it relates to so much of the subject-matter of the suit or application as is dealt with by such agreement, compromise or satisfaction.

Joindor of ryots in applications for commutation, enhancement or reduction of rent.

[1] [**193.** (1) An application for commutation, enhancement or reduction of rent may be made against or by any number of ryots collectively :

Provided that all such ryots are ryots of the same landholder and that all the holdings in respect of which the application is made are situated in the same village and that the grounds of commutation, enhancement or reduction, as the case may be, are the same :

Provided also that, if it appears to the Revenue Court that the application cannot be conveniently disposed of jointly, the Court may, at any time before the first hearing, of its own motion or on the application of any of the parties, or , at any subsequent stage if the parties agree, order separate trials of the application or make such other order as may be necessary or expedient.

(2) No order shall be passed in any application under sub-section (1) affecting the interests of any person unless the Court is satisfied that the person has had an opportunity of appearing and being heard.

(3) The order shall specify the extent to which each of the ryots is affected thereby.]

[2] [**194 to 196**]. * * * *]

Court to give receipt.

[3] [**197.** When a party makes a payment under sub-section (3) or sub-section (5) of section 192 or pays into Court in any suit, application or proceeding under this Act any amount as due from him to the landholder or person claiming under the landholder, the court shall give the party aforesaid a receipt and the receipt so given shall operate as an acquittance in the

[1] This section was substituted for the original section 193 by section 112 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] Sections 194, 195 and 196 were omitted by section 113, *ibid.*

[3] This section was substituted for the original section 197 by section 114, *ibid.*

same manner and to the same extent as if it had been given by the person lawfully entitled to the rent or by the landholder or person claiming under the landholder, as the case may be.]

[1] [**198 and 199.** * * * *]

Landholders who may be parties.

200. [2] [(1) An application for commutation, enhancement or reduction of rent or for alteration of rent with reference to area, shall be made only by or against the landholder in possession of the estate or the part concerned, as the case may be :

Provided that—

(i) where it appears that such landholder is not the owner of the estate or the part concerned, notice of the application shall, at the expense of the applicant, be given by the Revenue Court to the owner who shall be made a party to the application ; and

(ii) where such landholder is not the owner of the estate or the part concerned and is unwilling to make an application for commutation, enhancement or alteration of rent, the owner may make such application making the landholder in possession a party thereto ; but any rent which may be fixed by the Revenue Court in such application shall be payable only to the landholder entitled to possession of the estate or the part concerned.]

(2) Proceedings under [3] [Chapter VIII] shall be taken against the landholder in possession, but if such landholder is not also the owner, the latter shall be made a party to the proceedings.

(3) Either the owner or the landholder, where the landholder entitled to the present possession of the estate is not the owner thereof, may as andholder make an application under sections 164, 168 or 186, but notice of the application shall be given to the other.

Transfer of decree or order passed by Revenue Court for payment of money.

[4] [**201.** A decree or order for payment of money passed by a Revenue Court shall not be transferred to any Court other than a Civil Court for execution.]

[5] [**202.** * * * *]

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[1] Sections 198 and 199 were omitted by section 115 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This sub-section was substituted for the original sub-section (1) by section 116 (i), *ibid.*

[3] The word and figures were substituted for the word and figures " Chapter VII " by section 116 (ii), *ibid.*

[4] This section was substituted for the original section 201 by section 117, *ibid.*

[5] Section 202 was omitted by section 118, *ibid.*

Regard to be paid by Courts to entries in record-of-rights.

203. (1) Where for any local area a record-of-rights has been prepared and finally published under sub-section (2) of section 166 or sub-section (3) of section 170, in all suits between landholder and ryot as such, the plaintiff shall annex to the plaint or, if for any cause which the Court deems sufficient he fails to do so, shall produce within a reasonable time to be fixed by the Court, a certified copy of any entry in the record-of-rights relating to the land in respect of which the suit is brought.

(2) In deciding such suits the Court shall have regard to the entries produced under sub-section (1), unless such entries have been proved to be incorrect, and when the Court passes a decree at variance with such entries it shall record its reasons for so doing.

(3) No fee shall be charged for the grant of certified copies of entries in a record-of-rights required for the purpose specified in sub-section (1).

(4) In the case of such suits, the following clause shall be deemed to be added to [1] [rule 11 of Order VII] of the Code of Civil Procedure, [2] [1908] as clause (*e*), namely :— Central Act V of 1908.

(*e*) In any suit to which section 203 of the Madras Estates Land Act, 1908, applies, if the certified copy therein mentioned is not annexed to the plaint and the plaintiff, on being required by the Court to produce it, fails to do so within the time allowed by the Court. Madras Act I of 1908.

Power of District Collector and Board of Revenue to distribute business and to withdraw and transfer cases.

204. (1) The District Collector may, by written order, distribute, in such manner as appears fit, any business cognizable under this Act by any [3] [Collector] in the district and by like order he may withdraw any case pending before such [3] [Collector] and either dispose of it himself, or by written order refer it for disposal to any other [4] [Collector] in the district.

(2) The Board of Revenue shall have the like powers of distribution, withdrawal and reference in respect of all District Collectors and, notwithstanding any order of the District Collector passed under sub-section (1), in respect of [5] [Collectors] subordinate to him.

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[1] These words and figures were substituted for the word and figures "section 54" by section 119 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] These figures were inserted by *ibid.*

[3] This word was substituted for the words "Collector or other Revenue-officer" by section 3 (2), *ibid.*

[4] The word "Collector" was substituted for the words "Collector or Revenue-officer" by *ibid.*

[5] This word was substituted for the word "Revenue-officers" by *ibid.*

(*Chapter XV.—Jurisdiction and Procedure.*)

Power to call for and revise proceedings of Collectors.

205. The Board of Revenue or the District Collector may call for the record of any proceeding before a [1] [Collector] from whose decision no appeal lies, if such officer appears to have exercised a jurisdiction not vested in him by law, or to have failed to exercise a jurisdiction so vested, or while acting in the exercise of his jurisdiction to have contravened some express provision of law affecting the decision on the merits, where such contravention has produced a serious miscarriage of justice; and the Board of Revenue or the District Collector, as the case may be, may, after hearing the parties if they attend, pass such order as seems fit.

Power to invest any person with powers of Collector.

206. The [2] [State Government] may invest any [3] [person] with all or any of the powers of a Collector, for any local area, in respect of all or any classes of original suits or proceedings instituted under this Act, and may withdraw such powers, and the decisions passed by such [3] [person] shall be subject to appeal as if they were the decisions of the Collector who would have taken cognizance of the suits or proceedings if [4] [such person had not been so invested].

Appointment of additional District Collectors.

207. The [2] [State Government] may appoint an officer in addition to the District Collector, to exercise all or any of the powers of a District Collector under this Act.

District Collector and Collectors for scheduled districts.

208. In the scheduled districts of Ganjam and Vizagapatam the Agent to the Governor, and in the scheduled districts of Godavari the Government Agent, shall for the purposes of this Act be the District Collector, and the Asistant Agents in these districts shall for the same purposes be Collectors.

Place of institution of suits or proceedings.

209. [5] [(1) All suits, applications or proceedings cognizable by a Collector under this Act shall be brought, made or taken in the revenue division in which the holding or any portion of the holding in connexion with which the suit is brought, the application is made or the proceedings are taken, is situated.]

(2) Subject to the orders of a District Collector, a Collector [6] [* * * *] may sit for the disposal of suits, [7] [applications] and proceedings under this Act in any place within the district.

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[1] The word "Collector" was substituted for the word "Revenue-officer" by section 3 (1) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] This word was substituted for the words "Revenue or Judicial officer" by section 120 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[4] These words were substituted for the words "the Revenue or Judicial officer had not been so invested" by section 120 (ii), *ibid.*

[5] This sub-section was substituted for the original sub-section (1) by section 121 (i), *ibid.*

[6] The words "or other Revenue-officer" were omitted by section 121 (ii), *ibid.*

[7] This word was inserted by *ibid.*

CHAPTER XVI.

LIMITATION.

Limitation for suits, etc.

[1] [210.] Subject to the provisions of the next following section, every suit instituted, appeal presented, and application made after the period of limitation specified therefor in the schedule hereto annexed or in section 191, shall be dismissed, although limitation has not been set up as a defence.

Application of the Indian Limitation Act, 1908.

[2] [211. Subject to the provisions of this Chapter, the provisions of the Indian Limitation Act, 1908, except sections 6, 7, 8, 9, 19 and 20 shall apply to all suits, appeals and applications mentioned in section 210.] Central Act IX of 1908.

CHAPTER XVII.

SUPPLEMENTAL.

Penalties.

Penalties for illegal interference with produce, etc.

212. (1) If any person—

(*a*) under colour of this Act dishonestly distrains, sells or causes to be sold, any property, or

(*b*) resists a distraint duly made under this Act, or forcibly or clandestinely removes any produce duly distrained under this Act or makes a fraudulent conveyance of property to prevent distress for arrears ; or

(*c*) except with the authority or consent of the ryot unlawfully prevents or attempts to prevent the reaping, gathering, storing, removing or otherwise dealing with any produce of a holding ; or

(*d*) having been ejected under [3] [section 163-A] from ryoti land in any estate occupies the same or any portion of the same land without the landholder's consent ; [4] [or]

[5] [(*e*) wilfully and without lawful excuse obstructs any entry or measurement under section 17-A]

he shall be liable on conviction before a magistrate not below the rank of a magistrate of the second class to fine which may extend to five hundred rupees.

(2) Any person who abets the doing of any act mentioned in sub-section (1) shall be deemed to have abetted an offence within the meaning of the Indian Penal Code. Central Act XLV of 1860.

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[1] Sub-section (1) of section 210 was renumbered as section 210 and sub-section (2) was omitted by section 122 of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This section was substituted for the original section 211 by section 123, *ibid.*

[3] The word, figures and letter were substituted for the word and figures " section 163 " by section 124 (i), *ibid.*

[4] This word was inserted by *ibid.*

[5] Clause (*e*) was inserted by section 124 (ii), *ibid.*

(Chapter XVII.—Supplemental.)

(3) Persons entering the apartments of women or forcing open the outer doors of dwelling-houses contrary to the provisions of this Act shall be deemed to have committed house trespass within the meaning of the Indian Penal Code.

Central Act XLV of 1860.

General Right of Suit.

213. (1) Any person deeming himself aggrieved, (*a*) by any proceedings taken under colour of this Act, or (*b*) by neglect or breach of any of its provisions, shall be at liberty to seek redress by filing a suit for damages before the Collector. General right of suit for damages.

(2) This section shall not be deemed to bar any right of action in a Civil Court in any case not taken out of its jurisdiction by this Act.

(3) Provided always that any person who files a suit for damages under sub-section (1) shall not be entitled to file a suit in respect of the same cause of action before a Civil Court.

Agents of Landholders.

214. (1) Any act, appearance, or application before [1][the Board of Revenue, or any District Collector, Collector or officer] which is required or authorized by this Act to be made or done by a landholder, may be made or done also by an agent empowered in this behalf by a written authority under the hand of such landholder. Power of landholder to act through agent.

(2) Every notice required by this Act to be served on or given to a landholder shall, if served on or given to an agent empowered as aforesaid to accept service of or receive the same on behalf of the landholder, be as effectual for the purposes of this Act as if it had been served on or given to the landholder in person.

(3) Every document required by this Act to be signed or certified by a landholder, [2][* * * *] may be signed or certified by an agent of the landholder authorized in writing in that behalf.

Rules under Act.

215. [3][The [4](State Government) may, after previous publication, make rules for the purpose of carrying out the provisions of this Act. Power of State Government to make rules.

[1] These words were substituted for the words " any Collector or officer " by section 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] The words " except an instrument appointing or authorizing an agent " were omitted by section 9 of the Madras Estates Land (Amendment) Act, 1909 (Madras Act IV of 1909), which shall be deemed to have come into force with effect from the first day of July 1908.

[3] These words were substituted for the words " The Local Government may, after previous publication, make rules consistent with this Act " by section 125 (i) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[4] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(*Chapter XVII.—Supplemental.*)

In particular and without prejudice to the generality of the foregoing provison, the [1] (State Government) may make rules—]

(1) to regulate the procedure to be followed by [2] [District Collectors and Collectors] in the discharge of any duty imposed upon them by or under this Act, and may by such rules confer upon any such officer—

(*a*) any power exercised by a Civil Court in the trial of suits ;

(*b*) power to enter upon any land, and to survey, demarcate and make a map of the same, and any power exercisable by any officer under the Madras Survey and Boundaries Act, [3] [1923] ; [4] [* *] Madras Act VIII of 1923.

(*c*) power to cut and thresh the crops on any land and weigh or measure the produce, with a view to estimating the capabilities of the soil ; [5] [and]

[6] [(*d*) power to consolidate applications under section 39-A for purposes of joint enquiry :]

[7] [(1-A) for determining the ryot or ryots who may join in an application under section 39-A, and the conditions under which they may join in such an application :]

(2) prescribing forms and the mode of service of notices under this Act where no form or mode is prescribed by this or any other Act :

(3) as to the procedure to be followed in applications under this Act :

(4) as to the fees, costs and charges to be paid for the purposes of this Act :

(5) for the use of threshing floors, cattle-stands, village sites and other lands set apart for communal purposes [8] [and of the beds and bunds of tanks, supply, drainage, surplus or irrigation channels] :

(6) for determining what are to be deemed staple food-crops in any local area and for the guidance of officers preparing price-lists :

(7) for the sale of distrained crops or products which are in their nature speedily perishable :

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[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] These words were substituted for the words " Collectors and Revenue-officers " by section 3 (2) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[3] These figures were substituted for the figures " 1897 " by section 125 (ii), *ibid.*

[4] The word " and " was omitted by section 3 (i) (*a*) of the Madras Estates Land (Amendment) Act, 1936 (Madras Act VI of 1936).

[5] This word was inserted by *ibid.*

[6] Sub-clause (*d*) was inserted by section 3 (i) (*b*), *ibid.*

[7] Clause (1-A) was inserted by section 3 (ii), *ibid.*

[8] These words were added by section 125 (iii) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

(Chapter XVII.—Supplemental. Schedule.)

(8) for the survey of lands and the preparation of a record-of-rights and of a settlement record of rent :

(9) prescribing the superior revenue authority to whom appeals shall lie from orders of a [1] [Collector] on objections to a preliminary record of settlement of rent : [2] [and]

(10) prescribing the form in which registers shall be maintained [3] [of suits and applications disposed of under this Act.]

(11) [4] [* * * *]

[5] [SCHEDULE.

(*See* sections 189 and 210.)

PART A.—SUITS TRIABLE BY A COLLECTOR.

Serial number.	Section of Act.	[6] [Description of suit.]	Period of limitation.	Time from which period begins to run.	Authority, if any, to which an appeal lies.
(1)	(2)	(3)	(4)	(5)	(6)
1	55	To obtain a patta ..	Three months.	The date of the expiration of three months after demand.	District Court.
2	56	To enforce acceptance of patta.	Three months.	The date of the expiration of one month from failure to accept.	District Court.
3	77	By landholder to recover arrears of rent.	Three years ..	The date when the arrear becomes due or, where there has been a suit or other proceeding for the purpose of ascertaining the rent, the date of the decree or order by which the rent is finally ascertained, whichever date may be later.	District Court.
4	88	For damages when distrained property is stolen, lost, damaged or destroyed.	Six months ..	The date when the property was stolen, lost, damaged or destroyed.	District Court.
5	95 (1) and (2)	To contest distraint.	Fifteen days ..	The date of service of notice requiring either the payment of the amount demanded or the institution of a suit to contest the distraint.	District Court.

[1] This word was substituted for the word "Revenue-officer" by section 3 (1) of the Madras Estates Land (Amendment) Act, 1934 (Madras Act VIII of 1934).

[2] This word was added by section 125 (iv), *ibid.*

[3] These words were substituted for the words "by a Collector of suits and applications heard and decided by him : and" by section 125 (v), *ibid.*

[4] Clause (11) was omitted by section 125 (vi), *ibid.*

[5] This Schedule was substituted for the original Schedule by section 126, *ibid.*

[6] This heading was substituted for the heading "Description of suits" by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, [illegible] (Madras Act XIV of 1951).

(*Schedule.*)

PART A.— SUITS TRIABLE BY A COLLECTOR—*cont.*

Serial number. (1)	Section of Act. (2)	[1][Description of suit.] (3)	Period of limitation. (4)	Time from which period begins to run. (5)	Authority, if any, to which an appeal lies. (6)
6	112	To contest the right of sale of a holding.	Thirty days ..	The date of service of notice on the defaulter requiring him to pay the amount due or institute a suit contesting the right of sale.	District Court.
7	127 (2) (c)	For payment of the subsequent rent.	Thirty days ..	The date of sale of the holding.	District Court.
8	136	To recover illegal payments and penalties in respect of such payments as have been exacted.	Six months ..	The date of the payment.	District Court.
9	140	To recover the cost of execution of works of repair to an irrigation work from a dasabandam inamdar.	Three years ..	The date of completion of the works.	District Court.
10	149	To be indemnified against loss of rent when a holding is relinquished.	Six months ..	The commencement of the revenue year succeeding that in which the relinquishment is made.	District Court.
11	151 (1)	To eject a ryot ..	Two years ..	The date on which the right to eject accrued.	District Court.
12	151 (2)	For compensation or for an injunction or for the repair of the damage or waste.	Two years ..	When the damage was done or the waste began.	District Court.
13	213 (1)	For damages not otherwise provided for.	Three months.	The date of the accrual of the cause of action.	District Court.

PART B.— APPLICATIONS TO BE DISPOSED OF BY A DISTRICT COLLECTOR OR COLLECTOR.

Serial number. (1)	Section of Act. (2)	Description of application. (3)	Period of limitation. (4)	Time from which period begins to run. (5)	Authority, if any, to which an appeal lies. (6)
1	12 (2)	For fixing the compensation payable in respect of trees belonging to a landholder which are acquired by the ryot.	None	None	District Collector.
2	15	As to the right to make an improvement or as to whether a particular work is or will be an improvement.	None	None	District Collector.
3	16	To register improvements.	None [subject to sub-section (3) of section 16].	None [subject to sub-section (3) of section 16].	Against refusal to register — District Collector.
4	17	For recording evidence relating to an improvement.	None ..	None	Against refusal to record evidence —District Collector.

[1] This heading was substituted for the heading "Description of suits" by the Madras Repeating and Amending Act, 1951 (Madras Act XIV of 1951)

(*Schedule.*)

PART B.—APPLICATIONS TO BE DISPOSED OF BY A DISTRICT COLLECTOR OR COLLECTOR—*cont.*

Serial number.	Section of Act.	Description of application.	Period of limitation.	Time from which period begins to run.	Authority, if any, to which an appeal lies.
(1)	(2)	(3)	(4)	(5)	(6)
5	20-A (1)	For declaring that any communal land is not required for its original purpose and directing that it be used for any other communal purposes or be converted into Government ryotwari or landholder's ryoti land.	None	None	Against a declaration that the land is not required for its original purpose or an order directing that the land be used for any other communal purpose—Board of Revenue. Against an order directing the conversion of the land into Government ryotwari or landholder's ryoti land—District Court.
	25	For settlement of a fair and equitable rent.	None ..	None	District Collector.
7	30	For enhancement of rent payable by a ryot.	None (subject to sections 37, 41 and 177).	None (subject to sections 37, 41 and 177).	District Court.
8	32 (2)	Application by landholder to register improvement.	One year	The date of completion of the improvement.	Against registration or refusal to register—District Collector.
9	32 (2)	Application by landholder to enforce contract for payment of additional rent on account of improvement registered under section 32 (2).	One year ..	Date of registration.	District Collector.
10	32 (3)	For revision of enhancement of rent.	None	None	District Collector.
11	38	For reduction of rent.	None (subject to sections 39, 41 and 177).	None (subject to sections 39, 41 and 177).	District Court.
12	40	For commutation of rent.	None	None	Against the fixing of the valuation at time of commutation in so far as it determines the sum to be paid as money-rent—District Court.
13	42 (2)	For alteration of rent with area.	None	None	District Collector.
14	54	For permission to file patta in the office of Collector or other officer.	One year ..	The commencement of the revenue year to which the patta relates.	District Collector.
15	65	For compensation for withholding receipt.	Three months	The date of payment.	District Collector.
16	68	For permission to deposit rent in the office of Collector.	None	None	None.
17	71 (3)	For repayment of deposited rent.	None	None	None.
18	74	For deputation of officer to make the appraisement or division.	None	None	None.

(*Schedule.*)

PART B.—APPLICATIONS TO BE DISPOSED OF BY A DISTRICT COLLECTOR OR COLLECTOR—*cont.*

Serial number.	Section of Act.	Description of application.	Period of limitation.	Time from which period begins to run.	Authority, if any, to which an appeal lies.
(1)	(2)	(3)	(4)	(5)	(6)
19	89	By third person having a right or interest in distrained property.	Any time before the date of sale.	None	None.
20	90	For delivery of property fraudulently conveyed to prevent distress or for payment of the value of such property.	Six months ..	The date on which the arrear became due.	None.
21	90	For restoration of distrained property forcibly or clandestinely taken away or for payment of the value of such property.	Thirty days ..	The date on which the distrained property was forcibly or clandestinely removed.	None.
22	102	To obtain a certificate from the Collector for the recovery from the defaulting purchaser of the deficiency in price and costs resulting from second sale.	Three months.	The date of the certificate of the sale officer.	District Court.
23	106 (5)	For determination of expenses.	Three months.	The date of the sale officer's decision.	None.
24	114	For sale of holding if no suit contesting the right of sale has been instituted.	Forty-five days.	The posting by the Collector of intimation of service under section 113.	None.
25	114	For sale of holding if a suit contesting the right of sale has been instituted.	Thirty days ..	The date of disposal or withdrawal of the suit.	None.
26	123	To obtain certificate from the Collector for the recovery from the defaulting purchaser of the deficiency in price and costs resulting from second sale.	Three months.	The date of the certificate of the sale officer.	District Court.
27	131	For depositing sum to set aside sale of holding.	Forty-five days.	The date of sale.	None.
28	131	To set aside sale of holding.	Before the grant of a certificate of sale.	None	None.
29	133	For grant of time to pay arrears due.	Before the issue of an order for sale under section 116.	None	None.
30	137	For the determination of the ayacut under an irrigation work.	None	None.	Board of Revenue in the case of major irrigation works and District Collector in the case of minor irrigation works.

(*Schedule.*)

PART B.—APPLICATIONS TO BE DISPOSED OF BY A DISTRICT COLLECTOR OR COLLECTOR—*cont.*

Serial number.	Section of Act.	Description of application.	Period of limitation.	Time from which period begins to run.	Authority, if any, to which an appeal lies.
(1)	(2)	(3)	(4)	(5)	(6)
31	137-A	For sanction to extend the ayacut of an irrigation work.	None	None	Board of Revenue in the case of major irrigation works and District Collector in the case of minor irrigation works.
32	137-C	For reclassification of irrigated or garden land as unirrigated land.	None ..	None	Board of Revenue in the case of major irrigation works and District Collector in the case of minor irrigation works.
33	138	For obtaining an order for the repair of an irrigation work.	None ..	None	Against any order under section 139 (1) or (2)—Board of Revenue in the case of major irrigation works and District Collector in the case of minor irrigation works.
34	141	For temporary reduction of rent.	None	None	Board of Revenue in the case of major irrigation works and District Collector in the case of minor irrigation works.
35	143 (1)	For any relief under this sub-section read with any of the preceding sections specified in items 30 to 34.	Same as for the appropriate section.	Same as for the appropriate section.	Same as for the appropriate section.
36	..	Any application under Chapter VIII not otherwise provided for.	Six months ..	The date on which the right to the relief claimed arose.	Board of Revenue in the case of orders passed by the District Collector and District Collector in the case orders passed by the Revenue Divisional Officer.
37	145 (9)	For apportionment of rent where the distribution made by the landholder is not assented to by any ryot.	Three months.	The date of communication of the distribution to the ryot.	District Collector.
38	145 (9)	For apportionment of rent where the landholder has delayed distribution for over six months.	None	None	District Collector.
39	149 (1)	For revision of the apportionment of rent made by a landholder.	Six months ..	The date of communication of landholder's decision to the ryot.	District Collector.
40	158	For issue of warrant to enter upon and take possession of the premises.	Three months.	The date of the expiration of the revenue year for which the arrear was due.	District Collector.

(*Schedule.*)

PART B.—APPLICATIONS TO BE DISPOSED OF BY A DISTRICT COLLECTOR OR COLLECTOR—*cont.*

Serial number.	Section of Act.	Description of application.	Period of limitation.	Time from which period begins to run.	Authority, if any, to which an appeal lies.
(1)	(2)	(3)	(4)	(5)	(6)
41	160	To set aside warrant of eviction.	Fifteen days or the period extended by the Collector under section 159.	The date of service of the warrant.	District Collector.
42	163, 1st paragraph.	For determination of a fair and equitable rent.	None ..	None	District Collector.
43	163, 2nd paragraph.	For determining sum payable as damages by a person unauthorizedly occupying land.	One year ..	The end of the revenue year in which the occupation was made.	District Collectors.
44	185-, B (2) Proviso.	For determining the amount of compensation.	None ..	None	District Collector.

MADRAS ACT No. VI OF 1909.[2]

[THE ARNI JAGIR ACT, 1909.]

[21*st December* 1909.]

An Act to include the Arni Jagir in the Schedule to the Madras Impartible Estates Act, 1904 (Madras Act II of 1904.]

Preamble. WHEREAS it is expedient to declare that the Arni Jagir is impartible and that the Jagirdar cannot exercise unrestricted powers of alienation in respect thereof; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Arni Jagir Act, 1909.

Inclusion of Arni jagir in Schedule to Madras Act II of 1904. 2. The Arni jagir in the District of North Arcot shall be included in the Schedule to the Madras Impartible Estates Act, 1904, as number 11 under the head of North Arcot and be subject to the provisions of that Act. Mad. Act II 1904.

[1] This item was added by section 11 of the Madras Estates Land (Third Amendment Act, 1936 (Madras Act XVIII of 1936).

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette*, 1909, Pt. IV, p. 222 and for Proceedings in Council, *see ibid*, p. 256.